TELOS

NUMBER 125 Fall 2002

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Introduction

It is painful to realize how practically all of the most popular political minds of the second half of the 20th century have been so totally wrong in evaluating what was happening around them and prefiguring future developments. From the "end of ideology" sociologists, who thought and wished that the growth of technocracy would obliterate traditional politics,[1] to end of history ideologues, such as Alexandre Kojève and Francis Fukuyama,[2] who postulated that since everyone wants the same things, there was no longer any need for political conflict — and, therefore, for "history" — to naive '68ers, who thought that the beach was buried under the paving stones and that the slogan "make love not war" would point the way to heaven, the record is dismal. And these are far from being the worst examples. One need only re-examine Louis Althusser's silly "theoretical" epicycles

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1. Despite the fact that Daniel Bell's famous book by the same title captured the spirit of a whole generation of conformist sociologists, it was actually much better than what was being published around the same time by his colleagues, such as Seymour Martin Lipset, whose *Political Man* went much further and branded almost everything reminiscent of the past as fascist threats to technocratic rationality.

2. Fukuyama's glamorous thesis about the end of history, which became an embarrassment even before it was fully digested, had already been outlined over a generation earlier by Kojève. In a letter to Carl Schmitt dated May 16, 1955, Kojève claimed not only that "the USSR is only more 'modern' than other countries," and that Russian anti-communists only long for "the same thing," i.e., to "live well and in peace," but that "within ten or twenty years . . . the East and the West not only want . . . *the same thing* (after Napoleon) but they even *do it*" (italics in the original). Less than a month later, in a letter dated June 7, Schmitt politely expressed his disagreement concerning the claim that "the cycle of time has reached an end," and that "the present world dualism (between East and West, between land and sea)" was "a final leap toward unity, i.e., the end of history." Unconvinced, on January 4, 1956, Kojève insisted. "In the ultimate analysis, hostility is only a 'logical moment,' i.e., of human discourse," and "hostility is overcome, i.e., annulled, in reciprocal recognition; but, at any rate, it is really possible to recognize only an enemy (past), so that hostility is retained (overcome) in the recognition in a sublimated form." See "Alexandre Kojève-Carl Schmitt Correspondence," in *Interpretation*, Vol. XXIX, No. 1 (Fall 2001), pp. 91-115. Anticipating the conformist general silence concerning Schmitt until the 1990s, Kojève never mentions Schmitt's name and work in his long 1932-1965 correspondence (often dealing with topics similar to the ones he had discussed with Schmitt) with Leo Strauss, an early critic of Schmitt. See Leo Strauss, *On Tyranny*, ed. by Victor Gourevitch and Michael S. Roth (New York: Free Press, 1991).

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spun to legitimate (in the last instance!) the desirability of Stalinism; the Habermasians' Panglossian belief in rational discourse among intellectuals as the means to solve all possible conflicts; or even Eugene Genovese's faith in the inevitability of communism (before he turned into a Southern conservative) to realize the extent of the general bankruptcy of the postwar intellectuals.[3]

Uncritically committed to a unilinear theory of progress dismissive of all traditions and customs, modernist ideologues today find themselves stunned by recent political developments that fit none of their schemes. As Alain de Benoist points out in his article, "On Politics," there is a general dismay about "depoliticization," while in fact it is the *modernist* concept of politics that in the age of postmodernity is being displaced by a different kind. To be sure, the pre-9/11 self-serving celebrations of "civil society" and "human rights" did not contribute to any democratization of society. As an aggregation of particular interests, "civil society" has nothing to do with such fancy academic constructs as "deliberative democracy," but turns out to be the domain of economic and New Class interests which, concealed under the defense of human rights, flatten out the public and the private, and unwittingly precipitate a radical reaction: a redefinition of politics in populist terms, as "the low versus the high, the people versus the elite, the popular classes versus the ruling New Class."

Focused on Europe in general and France in particular, Benoist's otherwise brilliant analysis does not pay enough attention to alternative political systems such as those predicated on the Swiss model or the original, *antebellum* American model, which, already at the dawn of modernity, successfully articulated the kind of politics he outlines as the postmodern alternative. Despite its gradual and unrelenting erosion throughout the 20th century, popular sovereignty in these countries remains deeply embedded in their very social fiber, and may have contributed significantly to the viability and well-being of their respective societies. By contrast, the collapse of communism and the growing crisis of the welfare state are not, as many of the remnants of the Left claim, the result of a misapplication of "the theory" or of poor administration, but the consequence of the growing

3. Even *Telos*, which began as a project to educate the New Left by exhuming long-forgotten alternative Left traditions, to steer the new rebels away from drugs, recreational eroticism, and the rise of identity politics, did not succeed entirely in avoiding the general curse. The initial Husserlian attempt to vindicate the Western *telos* by overcoming collective amnesia became hopelessly embroiled in the misperception that there was indeed a growing political movement whose adherents, despite their heterogeneity, shared fundamental objectives. But unlike New Left veterans, who after the movement disintegrated lost no time in recycling new versions of liberalism or undertaking various crusades to legitimate "race, class, and gender" politics as secularized eschatological projects, *Telos* plunged even deeper into the excavation of an ever- growing spectrum of forgotten traditions, whose demise no longer seemed to consign them to irrelevance. Thus, the initial distance from conformist Left thought soon grew into an unbridgeable gap — especially after the rediscovery of some of the "*théoriciens maudits de la politique*," such as Carl Schmitt in Europe or even, if less so, Christopher Lasch in the US.

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New Class clientization of a population effectively manipulated by an ever more sophisticated and subtle media. The project of creating "the new man" was a bust. Far from transcending the kind of alienation discussed in the early philosophical works of Karl Marx, which had generated so much interest in the 1960s, under "really existing socialism" or the "soft socialism" of the welfare state, the individual became even more alienated and dependent on the state and economic forces beyond his control. Contrary to Left-liberal — and, more precisely, to New Class — conventional wisdom, alienation had little to do with capitalist relations of production,[4] but was inextricably bound with the disappearance of any kind of participatory democracy (which Benoist describes as the only real politics) and personal responsibility. As a pseudo-solution to the problem, the recent explosion of "victimology"[5] has turned out to be nothing but a mediatized populist reaction to this

4. Not all studies of alienation remained straightjacketed within reductive and self-serving Marxist parameters. Although embroiled in the fashionable psychoanalytic cobwebs of the time, the early Frankfurt School, even during its most Marxist phase in the mid-1930s, managed to develop an analysis of alienation in the collective study on "authority and the family" which went far beyond standard neo-Stalinist accounts demonizing capitalist relations of production and advocating as progressive the homogenization of the population under the cloak of "classlessness." The kind of dependent personality character it blamed on capitalist-induced family disintegration (which later, in *The Authoritarian Personality*, was turned by the conformist American therapeutic establishment into an outright apology for New Class rule as protection against "fascist" — but not communist — threats), was actually what had been developing since the French Revolution and the ascendancy of the New Class, which legitimated itself as a paradigmatic agency of social rationality by successfully framing all social conflicts in terms of bourgeois/proletarian confrontations. For the beginning of theoretical efforts to recast the historiography of the last two centuries in terms of "political" rather than crude "economistic" categories, see Gianfranco Miglio, *La Regolarità della Politica* (Milan: Giuffrè, 1988).

5. This same paradox can also be found in relation to particular social problems. Thus, in his otherwise excellent article reconstructing the history of addiction in the US, "Foucault and Addiction," published in this issue, Peter Ferentzy shows how efforts to deal with this problem, either as a vice or a desease, have actually resulted in the empowerment of an ever larger Food and Drug Administration that has been notoriously unsuccessful in dealing with the problem. The question of whether the kind of personality likely to lead to addiction may be the product of the disintegration of community and family structures resulting from the growing clientization of the population has remained largely unasked. The lingering ambiguity concerning this issue is unwittingly identified by Ferentzy when he claims that "the prevailing concept of addiction can be viewed not only as a 19th century approach to 21st century dilemmas, but, more importantly, as a window into American attitudes." The main difference here is one between a counterproductive New Class therapeutic approach, which encourages further clientization and dependence — as can be seen in the consequences of, e.g., the Amsterdam and the Zurich experiments with drug decriminalization — and a traditional, but now hopelessly confused normative approach predicated on the *antebellum* 19th century American model focused on the constitution of autonomous individuality and community values. Thus, the new political divide that Benoist identifies as the essence of postmodern politics may not be entirely new, after all, but rather the source of a submerged American conflict that has never been definitively resolved.

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state of affairs, which, however, does nothing to eliminate alienation and powerlessness, but legitimates ever more effectively that New Class hegemony primarely responsible for the predominant malaise.

This helps explain the difficulties encountered by formerly communist countries in reforming their societies and actually improving the quality of everyday life. The post-1989 marginalization of massive New Class domination (the vanguard party's monopoly of state power) in a context of widespread community disintegration and institutionalized alienation paved the way for the penetration of market relations practically everywhere, thus merely shifting the balance of power in favor of reborn private economic interests. These societies, however, need not remain paralyzed between an all-powerful state and an encroaching market. As Benoist argues, as difficult as it may be, they may break out of this vicious circle by vindicating *popular* sovereignty and redefining politics "from the bottom up, through the reconstruction of the social link and a full reactivation of the political dimension of the social, in terms of local autonomy, participatory democracy, associative and community life, and the principle of subsidiarity."

This entails casting aside the architectonics of the fashionable "theoreticians" of the 20th century, whose hegemony was primarily the result of their uncritical subservience to Left ideology or predominant New Class elites, and paying more attention to unconventional thinkers who dared to think "outside the box" and, consequently, paid a steep price for their uncompromising iconoclasm. One of those, who is almost unknown in the English-speaking world, is Julien Freund (1921-1993). A prolific student of Raymond Aron and Carl Schmitt, Freund's work is becoming increasingly relevant after the demise of last century's liberal illusions. In an extensive biographic and bibliographic study of Freund's work, Pierre-André Taguieff's article, "Julien Freund, Political Thinker," reconstructs the trajectory of Freund's intellectual development, from his early experiences as a French partisan during WWII, to his polemics with the hegemonic Stalinoid Left in France that tried to smear him as a "fascist," to his flirting with the French New Right in the 1970s and 1980s after he became aware of the obsolescence of the Left/Right dichotomy.

But Freund is not the only forgotten thinker who needs to be reread. As Schmitt pointed out in a 1950 collection of essays on Donoso Cortés (three of which appear here), reactionary thinkers, such as Joseph de Maistre, Louis de Bonald, and the long forgotten Juan Donoso Cortés, become relevant in times of crisis — such as after WWII and, by extrapolation, today — when standard political procedures reducing normal parliamentary politics to administration are no longer adequate, and it is essential to make radical decisions. Although Donoso died in 1853 and has ever since been branded a "reactionary," Schmitt always regarded his work as central. In fact, Donoso's advocacy of "dictatorship" and his dismal opinion concerning human nature are not as objectionable and outrageous as they seem at first, if the call for dictatorship is understood, as he did, as a call

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for sovereignty, and his anthropology is historicized to the post-French Revolution era — especially the present one, where dependent and clientized individuality is increasingly becoming the norm.

September 11 is such a crisis which, for Schmitt, would necessitate the kind of decisionistic thinking advocated by Donoso. The Bush Administration's response is clearly a reaffirmation of American sovereignty in opposition to the vacillation and indecisiveness of what Donoso ridiculed as a "discussing class," by which he meant liberalism, but which is exemplified by the UN. In a post-Cold War world, which has finally plunged into what Schmitt called a "global civil war," the kind of formal and informal international law in force since the organization of the *jus publicum Europaeum* has become obsolete. The only effective way to combat international terrorism is with new technological means. Despite major tactical blunders, such as the failure to resolve the Israeli-Palestinian conflict (which has not only destabilized Middle East politics, but has also legitimated the postponement of long-overdue reforms within all the Arab countries in the region) *before* launching the Iraqi war, Bush's strategy is one possible way to confront the new crisis.

Unfortunately, this strategy was readily instrumentalized by the New Class officially entrusted with administering the government bureaucracy, which has managed to unleash its "politically correct" *modus operandi* throughout the country with the "US Patriot Act," Costly and ineffective, the new measures make life in the US much more difficult to negotiate, while ignoring the kind of measures that are likely to be most successful in making future acts of terrorism on American soil impossible. The radical change that has taken place in the nature of war in the age of postmodernity requires not only a different political approach, but also reconsideration of pseudo-universalist policies that fail to take into account fundamental differences between potential Islamic terrorists, Mexicans seeking desperately to become integrated into the North American economy, and Canadians (or Europeans) who are as steeped in Western values, traditions and customs as are Americans. As demonstrated by what happened on the plane that crashed in Pennsylvania on 9/11, thus thwarting the highjackers' plans to fly it into the White House, or by the way the "shoe-bomber" was so readily subdued by fellow passengers, the most effective way to checkmate Islamic fundamentalists' terrorism is by community awareness and vigilance — precisely the kind of traditional spirit that the growth of clientelism and alienation marginalizes. In this context, the kind of politics Benoist describes appears to be one of the most effective ways to restore sanity and rationality in a postmodern world, where modernist measures are becoming increasingly counterproductive.

In a short article, "On the Postmodern *Nomos*," Teodoro Klitsche de la Grange outlines these yet-to-be-fully understood implications of the post-9/11 change in the nature of war and the obsolescence of national sovereignty, while also elaborating on their troublesome destabilizing impact. Yet, his association of

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air war with terrorism may be an overstatement. He rightly points out that Schmitt "posits how new forms of war and domination modify relations between protection and obedience, the structures of political (and social) power, and relations among powers." He is also on the mark in claiming that "since air war and terrorism do not recognize any 'lines,' they weaken and trivialize juridical distinctions that constitute 'ideal' enclosures necessary for humanizing war and avoiding the peculiar dynamic of the 'rise to extremes,' i.e., absolute war." But air war is still regulated by the laws of war in whatever remains of the framework of international law established with the *jus publicum Europaeum*, whereas terrorism falls outside any such established law. Air war is not total war, and the enemy in air war is still a "real enemy," as Schmitt would say, whereas in terrorism the enemy is an "absolute enemy" — a *foe* that cannot be treated as an equal and must be exterminated. For this reason, war against terrorism is "total."

Unlike censorial Left publications, still caught up in the Stalinist ethos, that refuse to publish anything falling outside whatever the party line sanctions at any given time, *Telos* has always been open to different accounts. That is why this issue contains Fabio Vander's article on "Kant and Schmitt," which insists on resurrecting Kant's views as an alternative to Schmitt's, in order to recycle the old conundrum concerning Nazism, not only in order to demonize Schmitt, but, most of all, to criticize Bush. But, as Schmitt noted in *The* Nomos *of the Earth*, Kant was not a political thinker, and the humanism that Vander advocates is not a theoretical position from which to analyze recent or past events. Vander distinguishes between just and unjust wars on the basis of whether they are sanctioned by the UN, and implies that Schmitt's rejection of the distinction was a return to a "state of nature" meant to legitimate Nazi war policies, since "the state of nature and 'totalitarianism' go together." Vander, however, not only conveniently forgets that for almost half a century the UN legitimated the worst instances of 20th century totalitarianism, such as China and the former Soviet Union (both arguably much worse than the Nazi regime), but that Schmitt rejected the distinction between just and unjust enemy, because the *jus publicum Europaeum* had collapsed and nothing had replaced it. The same goes for the UN today, whose obsolescence is a result of the end of the bipolar Cold War world on which it was predicated, and of the explosion of the new "global civil war." In a context in which no new postmodern *nomos* has yet been institutionalized, it makes little sense to talk about "just" and "unjust" wars. In the end, Vander's Kantian strategy is concerned primarily with what he calls President Bush's Hobbesian "Strategy for National Security."

This line of thinking is also reflected internationally. By focusing obsessively on Iraq's "weapons of mass destruction" — something mistakenly encouraged by the Bush and the Blair administrations' rhetoric — rather than on the long overdue need for a regime change, the "politically correct" international New Class has insisted on operating in terms of modernist international rules and has refused to violate the kind of national sovereignty that terrorism and, even

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earlier, Nazism, had rendered obsolete. In addressing Europeans in general and Germans in particular, who were so critical of the Iraq war, Hans Magnus Enzensberger's "Postscript to the Iraqi War" emphasizes the extent to which German political leaders and the media exaggerated first the number of casualties that would ensue from an Iraqi war, and later the actual casualties, even though they were fewer than during any war of such magnitude. This is because their real object of hatred was not Saddam, but Bush.

The same issue is addressed by Russell Berman's much more detailed article on "Saddam and Hitler," where he points out that the Left tendency to identify Nazi modernity as belonging distinctively to the Right, as opposed to a Left modernity, and to argue that the transition from Weimar to the Third Reich was "an aesthetic-cultural phenomenon," misleadingly characterizes that era as belonging to a distant past with no relevance today. Saddam's regime, however, derives directly from both Hitler and Stalin. At any rate, this Saddam-Hitler analogy provides an opportunity "to think through the psychology" of the war opponents' response to "totalitarian leaders and the states they command" — a psychology Enzensberger also criticizes. Although this analogy was originally suggested by George Bush, Sr. to highlight a range of issues, such as aggression, appeasement, violence against civilians, and the personalization of the struggle with an eye to war crimes trials, it also reveals the "multifold real-historical ties between Nazism and the Ba'athist regime in Iraq that turned into Saddam's personal rule." To demonstrate the priority of leadership in mass society, Berman compares Hitler's *Mein Kampf* and Saddam's infamous Victory Arch, which figuratively express the absolute priority of personal power and the instrumentalization of the masses. In both cases, fear of violence was essential. As Enzensberger pointed out in an article on the Gulf War in 1991,[6] both Saddam and Hitler sought destruction. The point in both cases was not ideology, but annihilation — a death wish that includes not only the masses, but the leader himself. Apparently, modernist nihilism is not yet a thing of the past.

Paul Piccone and Gary Ulmen

6. See Hans Magnus Enzensberger, "Hitler's Successor: Saddan Hussein in the Context of German History," in *Telos* 86 (Winter 1990-91), pp. 153-157.

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On Politics[1]

Alain de Benoist

Politics is a fundamental part of human existence, a constituting element of society, i.e., there cannot be real humanity without it. Unavoidably, politics exists, first, because man is a socio-historical being with contradictory aspirations, and second, because social development is not set beforehand but, on the contrary, is always undetermined. It emerges fully, as an autonomous category, when, within a given society, the kinship system can no longer regulate conflicts and determine common objectives. At the same time, it constitutes both a practice and a field.

As a practice, politics can be defined as the art of decision-making concerning the common good. It is an art, rather than a science, because it implies a plurality of choices, and its objectives depend on ever changing, but concrete situations. This art requires discretion when determining means and ends, because politics can only create provisional resolutions. It also requires decision, because deliberation alone is not enough to lead to action. All common space implies a plurality of agents, aspirations or viewpoints (the "polytheism of values") and thus a framework within which these aspirations and viewpoints can be differentiated. Evidently, as far as the common good is concerned, it is not the aggregation of particular interests, but what is missing in every individual taken separately.

As a field, politics designates the public dimension of the social. Thus, it presupposes the distinction between public and private. (The subordination of the public to the private characterizes liberal governments, while the opposite characterizes totalitarian regimes). When juxtaposed to the private, which corresponds to the familial, domestic and economic

1. Translated by Julia Kostova.

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sphere of necessity, politics represents the sphere of freedom. It is a privileged access and use of freedom, a way to achieve excellence. The political field is a space of reciprocity, where people do not meet as private individuals but as citizens, in order to act and decide in common. The fundamental role of politics is to organize communities by holding them together. It institutionalizes social relations, establishes dependencies, founds mutual belonging, and fulfills the desire to live together (*philia*). It is the place for face-to-face encounters where common business is transacted. As Gauchet notes, politics "does not dictate its mode of existence, it makes it happen." Althusius correctly defines politics as "the art of association" (*consociandi*). Both as the medium for collective existence based on mutual relations and specific forms of action, politics is the place where the *common* is negotiated.

Thus, politics is not reduced to the organization of powers or the ability to "designate the enemy," and even less to the level of a simple system of command and obedience. Politics is not exclusively related to the state. The mistake of reducing it to state power is to believe that, to the extent that the state represents politics, it *is* society. It is not. It does not determine social forms and cultural values. Rather, the opposite is the case: the codification of cultural values and social forms determines the system of power. The denial of the ontological condition of plurality leads to an unlimited privileging of unity, which violates the social and ends in tyranny. This is the basis of all systems inherited from Roman absolutism.

Politics appeared in Greece at the same time as democracy. Better yet, it appeared *as democracy.* This is not an accident. Assuming that participation in public life is the best way for people to improve and to exercise freedom, as claimed by the whole tradition that runs from Aristotle to Hannah Arendt, then democracy is not "the least bad political system," as is often claimed by some who see it as the lesser evil. Rather, it is the best and maybe even the only truly *political* system to the extent that it is the only one based on the principle of participation of the largest possible number of people in public affairs. In essence, then, democracy is first and foremost participatory, rather than representative. Participatory democracy is a form of generalized reciprocity. It is to politics what the ceremonial gift is to sociology: a means for mutual recognition within a given community. Within this community, it achieves what the ancient right of people achieved with respect to war: to limit hostility. It allows for the peaceful resolution of conflicts, and for the determination of opponents without criminalizing or annihilating them. On the contrary, to the

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extent that they boil politics down to simple power plays, all despotisms betray its spirit, because they are based on confiscation.

Today, many writers talk about the end or the death of politics, whether to praise or deplore it. Others acknowledge that there has been a "depolitization."[2] This is not a new complaint, but recently it has been made more frequently. How is such a conclusion reached? Nowadays, predominant ideologies treat politics as discontinuous with human nature, as something added on — an artificiality. Here, the opinion of the Moderns differs from that of the Ancients. When he defined man as a "social and political animal," Aristotle meant that politics is a constituting dimension of the social, and, more precisely, of the socio-historical.

For modern thinkers, the transition from the "natural" to the social state is explained by the quest for security, survival and self-preservation. According to Hobbes, man enters society to avoid the war of "all against all." For Locke, this occurs in order to better protect individual rights already obtaining in the natural state. As such, man is no longer political by nature, but becomes so by necessity. His true nature is both pre-social and pre-political; he is an independent, disconnected individual. *Necessity*, related to fear or interest, is substituted by *telos*, which is related to the search for the best way to live together, for common goods and shared values. As Myriam d'Allonnes writes, ". . . political modernity is spreading globally based on this change of direction: from concern with ends to concern with origins. What is this origin? It is the *individual* or, more precisely, the multiplicity of individuals simultaneously posed as the foundation, considered to be self-sufficient, and left to its own devices and dysfunctions until an order or regulation emanating from a principle intervenes, which is simultaneously unifying and extrinsic: political society."[3]

Here, there is another fundamental difference between the Ancients and the Moderns. The latter see necessity at the origin of politics. For the Greeks, it is exactly the opposite: the public sphere corresponds by definition to the sphere of freedom, while everything that emerges from necessity is relegated to the private sphere. This results in a radical transformation of the status of freedom. While for the Ancients freedom was achieved first and foremost by the citizens' active and constant

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2. See Pierre Birnbaum, *La fin du politique* (Paris: Hachette, 1995); Nicolas Tennser, *La société depolitisée* (Paris: PUF, 1990); Myriam Revault d'Allonnes, *Le dépérissement de la politique, Généalogie d'un lieu commun* (Paris: Flammarion, 2002); *La fin des souverainetés*, a special issues of *Revue politique et parlementaire* (Paris, 2001).

3. D'Allonnes, *Le dépérissement de la politique*, *op. cit.*, pp. 72-73.

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involvement in public life, for the Moderns, or, more precisely, for the liberals, freedom is defined as what cannot be truly enjoyed outside the private sphere. That means that freedom is no longer what allows for politics, but what is taken away from it. Initially, freedom is the possibility to escape from the public sphere, to be free from politics. "Freedom begins where politics ends." It "is no longer connected with politics — the city — but with that part of existence which is independent of politics."[4]

This concept of "extracted" freedom is mitigated by the idea that political power is only a necessary evil, that by nature all power is dangerous: always suspected of seeking to expand, power threatens freedom, because freedom is defined as that part of existence which escapes it. According to classical thinkers, the *raison d'être* of politics is above all to allow and to guarantee the satisfaction of individual needs and the fulfillment of private desires. The fundamental question is no longer about political power, but its limitation. Then, the "private" individual is not only cut off, but virtually opposed to the citizen. As D'Allonnes notes: "In the natural community, the problem of integration now becomes a problem of separation . . . . From the moment freedom is defined as part of individual existence, detached from politics, it is not surprising that such logic — of separation and of individual independence from power — carries the seeds of conflict between the individual and the citizen, between the public and the private, as well as a preference for private satisfactions."[5]

The distinction between public and private acquires a new meaning. While for the Greeks the private sphere could not be the locus of freedom, because it is the locus of necessity and need, this same private sphere, redefined as "civil society," is juxtaposed to the public — the domain of power, constraints, and domination. Civil society, which comes about when the political community is no longer regarded as a natural fact, is the concept which, posing the social as a synonym for the private, cuts off its political dimension. Politics is no longer a *dimension of the social*, but part of the public sphere.

Since the community is no longer a natural fact, the well-known answer to the question concerning what makes society possible points to the dialectic of egoistic interests and the multiplication of exchanges: social relations are instituted by *contract* and maintained by the *market*. These two concepts which, as Hegel showed, result from the same abstract presuppositions, allow for a better understanding of the antagonism

4. *Ibid.*, p. 93.
5. *Ibid.*, pp. 93-94.

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between civil society and the public sphere. Since private interests give way to the public sphere through exchanges, civil society as the place where they occur can only come first, both chronologically and in importance. From the contract's perspective, power is perceived as a threat to be held in check; its only function is to guarantee individual rights and allow individuals to pursue their private interests. From the market's perspective, it remains auxiliary to the economy (it establishes a market place), destined to extinction, because the simple dialectic of interests is supposed to lead to society's self-regulation.[6]

What is important is that, according to contract theoreticians, politics can end just as it began: created by an act of will, it can disappear in the same way if men no longer need it. Some talk about the need to reassert the "primacy of politics." Modern thinkers challenge this primacy by denying the "natural" character of politics and considering it to be artificial. But what does "the primacy of politics" mean? The priority of the common good over individual interests? The superiority of political over religious, esthetic, military as well as economic and market values? Does it mean that politics comes before culture, or before society of which it is a dimension?[7] The question remains ambiguous.[8] That is why it is better to talk about the

6. *Ibid.*, p. 97. As D'Allonnes put it: ". . . this reversal has been made possible by the development of the economy as well as monetary and market relations, i.e., the development of productive forces and of the division of labor, as well as the bourgeoisie's rise to power."

7. Consider the classical error concerning the Maurrassian "primacy of politics." Maurras defended only its chronological priority. In his *Réponse à André Gide* (Paris: Editions de la Seule France, 1948), p. 22, he writes: "Chronologically, the means comes before the end." For him, politics is the means, while the economy is the end. In *L'action française* (February 16, 1923) he wrote: "When we say 'primacy of politics,' we mean politics in the order of time, not in the order of dignity." The entry "Economy" in the *Dictionnaire politique et critique* reads: "As the art and science to feed citizens and their families — the promises of a prosperous and fecund life — the economy is one of the necessary ends of all politics. It is more important than politics. It must come after politics, as the end comes after the means, as the point of arrival is located at the end of the road, because one takes the road to get to the point of arrival." Jean Madiran, in *Maurras* (Paris: NEL, 1992), p. 179, sees the "primacy of politics" as "philosophically unsustainable," and cites Aquinas to the effect that "The end is first in the order of intention, but the last in the order of execution."

8. In his "Polythéisme des valeurs et monothéisme religieux," in *Etudes sur Max Weber* (Geneva: Droz, 1990), p. 186, Julien Freund writes: "Every human activity develops according to its own law, its own *Eigengesetzlichkeit*, which determines the particularity of the relation of ends and means. The aim of economics is different from that of politics or art, and consequently, the means to achieve economic ends are not the ones used in politics or art. Each activity has its specific ends and, therefore, its specific means, i.e., they do not serve the same values. . . . It follows that economic values do not conform with political or artistic values. The conflict results precisely from the attempt to reconcile them, or to reduce them to the same measure of value."

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autonomy or the specificity of politics, rather than of its "primacy."

To pose the autonomy of politics means that it cannot fall back to another kind of human activity, be it science, morals, ethics, esthetics, economics, metaphysics or law without distorting its nature. Politics must be *politics*, which means that its principles cannot be derived from other independent principles. Thus, political legitimacy is a political notion: to ground this legitimacy in morality, law, religion etc. is to betray its nature. What is at stake here is not the "primacy of politics," but the primacy of what in politics is properly political over what is *apolitical*. Freund defines the apolitical as "what contravenes the pertinence of political action or harms politics' spirit and vocation."[9] The apolitical [*impolitique*] also means to do politics without understanding what is being done.

Thus, today politics is understood apolitically, not only because its exact nature is no longer understood, but also because it is increasingly threatened by the hegemonic tendencies of economy, law, morality and technology. This decline of politics is accelerated by the domination of an hypertrophied legalism, moralizing worldviews, technocracy and market values. The most visible take-over is by the economy. The Greeks excluded from politics anything that had to do with needs. Aristotle emphasized that the economy belongs to the domestic and private spheres (*oikos*) and that, as such, it does not concern politics. Freedom is achieved by participating in political life; to be free means to be free of utilitarian constraints and of the dynamics of needs.[10]

The West is the only civilization where the economy, once embedded in society, has become emancipated from it before reintegrating it by forcing it to conform to its values and laws. The promotion of this "economistic ideology" is inseparable from the constitution of the individual in the liberal sense of the term.[11] The end of this process is the establishment of a "market society," i.e., a society where market values not only take precedence over all others, but the market model becomes

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9. Julien Freund, *Politique et impolitique* (Paris: Surey, 1987), p. 1. See also Roberto Esposito, *Categorie dell'impolitico* (Bologna: Il Mulino, 1988).

10. Now, according to D'Allonnes (*Le dépérissement de la politique*, *op. cit.*, p. 48): "To the extent that it goes to the heart of the citizens' very being, the borderline between the private and the *polis* is not only a philosophical, but also a concrete problem. The identification of the self with political life — the constitution of political identity — presupposes that political belonging is transposed to domestic and familial belonging, i.e., anything that deals with needs and private interests."

11. See Louis Dumont, *Homo aequalis. Genèse et épanouissement de l'idéologie économique* (Paris: Gallimard, 1977).

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the paradigm of all social relations.

From the viewpoint of an economistic ideology, politics can only be derivative or a residue. On the one hand, the birth of politics should be explanable by economic considerations. Thus, originally, it is a mere calculation of interests. On the other, political action is generally associated with administration. Finally, according to liberal theoreticians, a society entirely subjugated to market mechanisms spontaneously establishes a natural harmony of interests. Thanks to the "invisible hand," which correlates supply and demand, the aggregation of egoistic interests by the market, defined both as a generalized place of exchange and as a social operator, miraculously creates the best conditions within a global society. In the foreseeable future, political competence will be displaced by economic efficiency. "It is the reduction of society to a generalized exchange between producers, which brings about the displacement or the weakening of politics."[12]

Marx did not believe in a natural harmony of interests, and argued that this idea seeks to legitimate the economic alienation typical of the capitalist mode of production (thus, the productivist critique of the reification of social relations). Yet, he assumed the liberal definition of man as a productive individual, which results in his missing altogether the meaning of politics.[13] Actually, politics cannot be reduced to economics, first, because the common good is not an aggregation of particular desires or material goods, and, second, because diverging desires never adjust spontaneously. This is why it is ridiculous to talk about "political market" — not that in politics there is no demand and supply, but because political balances cannot be definitively established, even through voting.

Today, the growing presence of the economy has brought about a generalized commodification, i.e., the idea that everything that arises from desires or needs can (and should) be negotiated — the other side of this being that what is produced are only commodities that can be sold, while what does not come with a price tag is forgotten. In this light, the citizen is seen as a consumer, and politics is run according to the model of private enterprise. The normative model becomes the behavior of the market negotiator. Meanwhile, economic and financial pressures restrict

12. D'Allonnes, *Le dépérissement de la politique*, *op. cit.*, p. 122.

13. As D'Allonnes put it: for "Marx, the realization of man takes place within a completely socialized humanity, detached from the political: a civil society delivered of the subjugation to capitalist production, where exchanges take place between free productive individuals and where labor is set free. In other words: a socialized self-regulated humanity." *Ibid.*, p. 135.

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the scope of government actions, which, through "realism," now bow to the "laws of the market economy." The emergence of a market society "is much more than an intellectual phenomenon." The market model is about to spread everywhere: "an event with immense anthropological consequences that one barely begins to notice. . . . It contributes to remodeling the most intimate constitution of people."[14] Marcel Henaff concludes: "Reducing politics to economic management means forgetting its sovereign function of public recognition of citizens."[15]

Another form of the apolitical, which maintains a tenuous and rarely noticed connection with "economic ideology," consists in regarding political society as an extension, an *analogon*, of the family. Most common in conservative milieus, this error has been propagated by numerous authors, who have regularly described the sovereign as the "father" of his subjects, or compared political power to that of the head of the family. Aristotle criticized this comparison: "Those who believe that the political leader, the royal chief, the head of the family and the slave owner are the same notion express themselves in an inexact way. They imagine that these various forms of authority do not differ but in terms of the number of subjects, and that there is no particular difference between them."[16] There is a difference, and it is not quantitative, but qualitative: the family, which does not have a public character, but constitutes only an economic unity and a place of affective, interpersonal and intergenerational relations, does not belong to the political sphere. That is exactly what Rousseau argued in his critique of Filmer:[17] citizens are not "children," and paternal power is foreign to political power. Similarly, Carl Schmitt challenged the identification of the monarch with the father as justification of the monarchical principle: "If the monarch is seen as the father of the State, and if that is seen as entailing the dynastic notion of a hereditary monarchy, the first idea is that of the family, not of the State."[18]

The hypertrophy of law at the expense of politics is another consequence of the rise of liberal ideology. The first liberal theoreticians, who

14. Marcel Gauchet, *La religion dans la démocratie. Parcours de la laïcité* (Paris: Gallimard, 1998), pp. 86-87.

15. Marcel Henaff, "De la philosophie à l'anthropologie. Comment interpréter le don?" in *Esprit* (February 2002), p. 155.

16. Aristotle, *Politique* I, 1, 1252a.

17. See Simone Goyard-Fabre, *Qu'est-ce que la politique? Bodin, Rousseau et Aron* (Paris: J. Vrin, 1992), pp. 26-27; Alain de Benoist, *Famille et société* (Paris: Labyrinthe, 1996).

18. Carl Schmitt, *Théorie de la Constitution* (Paris: PUF, 1993), p. 431.

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explain the birth of politics and society in terms of a contractual will, also attribute to individuals rights inherent to their proper nature, i.e., subjective rights, pre-existing society altogether, since objective rights are a function of conventions introduced by the social contract. Human rights ideology has thus posed the superiority and pre-existence of rights, allowing at the same time the constraining of politics by law.

This implies a significant transformation of the notion of equality. While for the Ancients equality was political (all citizens enjoy equal political prerogatives, because none of them are more or less citizens than anyone else), with the Moderns it becomes juridical. Belonging to a society does not automatically imply political equality. That is why the modern redefinition of politics is not immediately linked to the institution of democracy, but to the natural equality of rights. Equality no longer consists in the equal possibility to participate in public affairs or to hold political power, but in having the same right as others, thus defining the equal dignity of all.[19] Politics comes into play only to guarantee this equality of rights.

Contrary to liberal theory, what is fundamental are not rights, but politics. Juridical activity can take place only after an instituting power has set up a structure with a system of positive norms. (This is also the reason why legitimacy cannot be based entirely on law). Besides, only politics can give law its empirical validity; if not, "how could a law without power triumph over power?" In fact, there cannot be juridical norms before political goals. Law is not an extension of politics, or vice versa, if only because juridical reason has nothing to do with power, but only with procedures. Precisely because they are not coextensive, there can always be a conflict between them. Thus, one cannot generate a juridical theory on the basis of what transcends the law.

The fashionable character of human rights ideology brings about an endless and constantly growing list of assorted and often contradictory "rights," which lead to an escalating number of juridical procedures. Everyday life gradually becomes a legal matter, and consumers of rights are transformed into litigators. What was once a convivial life now depends on various clearly spelled out regulations. Judges, who consequently gained power, now pose as moral authorities, above politics. The expansion of judicial regulation at the expense of political will is

19. D'Allonnes notes: "Equality then becomes equivalence: no one is irreplaceable in a world where everyone is worth the other and everything has a price. Totalitarian regimes will deploy the extreme consequences of this atomization, which transforms individuals into a mass of interchangeable parts." D'Allonnes, *Le dépérissement du politique*, *op. cit.*, p. 87.

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supported by an antipolitical utopia, where conflicts among people are regulated, instead of being resolved directly by the collectivity.[20]

At the same time, international law undergoes a transformation to substitute its control for political authority. The result of the combination of law and morality, this new international law, symbolized by the International Criminal Court, pretends to dictate its law to states, without whose approval its decisions would remain useless. "Increasingly, juridical power is based not on a nation's constitutional law, but on superior theories, such as human rights or the 'superior principles of humanity' inscribed in a 'Charter of Fundamental Rights' already accepted by European states. Ever since, judges have been able to exercise an almost unlimited power without being hindered by juridical formalities or local legislatures, and they base their legitimacy on texts that are as imperative as they are evasive."[21]

In March 1999, the Western intervention in Kosovo was a decisive turn, where the principle of the "right of intervention" prevailed over international law as hitherto defined. It was not difficult for wary observers to show the fundamental hypocrisy of this "humanitarian" intervention, actually motivated by power interests.[22] These disturbing requirements and demands in the name of humanity appear just as the notion of humanity becomes increasingly problematic, primarily because of developments in the natural sciences. Through the prejudice of human rights and the "right of humanitarian intervention," morality attains a global dimension. Policies branded "bad" are not allowed to make their case against the pious thoughts of the "good." Moralizing idealism overcomes the last resistance of a realism, described as cynical or perverse. In this praise for an abstract "humanity," the contrary happens: there is a complete indifference to particular beings. Rousseau had already denounced "those fake cosmopolitans who . . . claim to love everybody in general in order not to love anyone in particular."[23] What would he have said about today's biased "humanitarians," who accuse all those supposedly obstructing the rule of the Good?

Contemporary humanitarianism is the successor of 18th century "politics of pity," which at the time already divided the world into "happy"

20. Marcel Gauchet, *La religion dans la démocratie*, *op. cit.*, p. 87.

21. Xavier Darcos, "Politique et globalisation morale," in *Commentaire* 97 (Spring 2002), p. 58.

22. Cf. Daniel Bensaïd, *Contes et légendes de la guerre éthique* (Paris: Textuel, 1999); Régis Debray, *L'emprise* (Paris: Gallimard, 2000); Noam Chomsky, *Le nouvel humanisme militaire. Leçons du Kosovo* (Lausanne: Page Deux, 2000).

23. Jean-Jacques Rousseau, *Le contrat social*, 1st ed., Book I, Part 2, p. 287.

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and "unhappy."[24] It is based on generous, yet uncritical sentiments. This generosity degenerates into abstract sentimentality, maintained by voyeurism, whose aim is to reach out as far as possible, rather than to stir deliberation. Today, voyeurism has become television's currency. "Television immediately provides the means to mold opinions: indignation, horror, emotion, the spectacle of mourning or suffering. With its own conscience unclear, the public uncovers evils it has avoided and feels the scandal of its own comfort. Thus, in order to relieve its own uneasiness, it appeals to or rejects some concession, before forgetting once again universal injustice and becoming embroiled in local squabbles or family quarrels."[25] This ethereal philanthropy, where loving everybody except one's neighbor becomes normal, is obviously the other side of the individualism and solitude it engenders.

A typical expression of this return to morality as a way of reducing political space is the appearance of "ethical committees," the recognition of "moral authorities," and the popularity of "charitable" organizations. By accepting the idea that social problems (unemployment, exclusion, etc.) are primarily moral problems, the dominant ideology leaves social justice to charity, thus deactivating all claims. As Emmanuel Renault put it: "There is a tendency to formulate political problems in moral terms, thus compelling those involved in political conflicts to abandon the usual expression of particular suffering in order to operate within a universal horizon where consensus is eventually possible."[26]

While old liberalism is characterized by a relative disjunction between politics and morality, this moral ideology appears to constitute a new common sense. There is, however, a kind of paradox. On the one hand, liberalism pretends to avoid morality, which it reduces to norms meant to regulate private life, thus making politics morally neutral, and granting the members of society a disembodied citizenship, disconnected from their identities. On the other hand, morality forced a return to the public sphere. The paradox is resolved when it is understood that this morality does not deal with the *good*, but with the *just*.

Disillusionment also played its role. It explains the popularity of this

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24. Cf. Luk Boltanski, *La souffrance à distance. Morale humanitaire, médias et politique* (Paris: Anne-Marie Métaille, 1993).

25. Darcos, "Politique et globalisation morale," *op. cit.*, p. 56.

26. Emmanuel Renault, *Mépris social. Ethique et politique de la reconnaissance* (Begles: Editions du Passant, 2000), p. 10. Régis Debray adds: "When politics deceives, morality consoles."

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new wave of moral humanism with many old followers of critical thought. Converted to the Kantian model on which most contemporary political theories are based (Habermas, Rawls, Apel), a large part of the radical Left sees a return to moral norms as the only possibility against alienation. As Renault writes: "Those of the 1968 generation who converted to humanitarianism and the duty of intervention practice morality as a last resort."[27] One can only agree with Pierre-André Taguieff, who claims that compassionate humanitarianism, "which sees humanity only in the victim, today is the worst enemy of civil life . . . which sees man as a political animal, and assumes that man's humanity can only be achieved in and through civic life, within particular political communities."[28]

There are other equally apolitical ways to define the relation between politics and morality. Where the former is subordinated to the latter, they are generally confused, or political action is attributed an "ethical" character, so foreign to it. The first position is the one held by the Church. Traditional Catholic teaching does not confuse politics and morality, as they differ in both means and ends (the temporal common good in one case, the perfect good in the other). It insists that the former must be subordinated to the latter, just as civil law should be subordinated to "natural law." According to this view, politics is regarded as a material cause of human salvation, while morality is its formal cause.[29] In case of conflict, it is always morality that should prevail.

The confusion is even more serious in Kantian philosophy. In his 1796 *Project for Perpetual Peace*, Kant argues that politics must borrow its principles from morality. Political action should consist in applying moral principles to the particular reality of human nature. This view was readily rejected by Hegel: to Kant's formal morality, i.e., morality (*Moralität*) that does not take into account ethics (*Sittlichkeit*), i.e., the social and political conditions necessary for the realization of a moral life, Hegel opposes an ethics concerned with the realization of freedom, in which social and political conditions define the meaning of moral norms.[30]

Another source of confusion of morality and politics can be found in puritan Calvinism, which aspires to transform the world radically in the

27. *Ibid.*, p. 13.
28. Pierre-Andre Taguieff, in *Marianne* (May 21, 2001), p. 69.
29. Cf. Rémi Fontaine, *Politique et morale. Eléments de philosophie chrétienne* (Boueres: Dominique Martin Morin, 2002), who argues that "confusing politics with morality means mixing the cause and the condition."
30. Cf. Charles Taylor, *Hegel et la société moderne* (Paris: Cerf, 1998).

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name of God.[31] Politics becomes the sacred and dogmatic work of redemption. It seeks to regenerate history, at man's rebirth as a new man. Once secularized, this aspiration ended up inspiring all modern revolutions. It is immediately obvious that this morality does not address primarily individual behavior and is not limited to personal ethics. It is first of all a collective ethics, linked to the biblical notion of "justice" and requiring the emergence of a "moral politics."[32] The purpose of politics should be to create a "more just" society, i.e., its vocation should be to change the world, to "repair" it. Arendt rightfully denounced this aspiration which, of course, denies any autonomy to politics.[33]

In a democracy, the identification of politics and morality is in fact so inconsequential that democratic thought can only gravitate toward immanence, as a result of which popular sovereignty is no longer respected. The idea that politics has to do with salvation is nothing more than a secularized religious idea. It has no connection to what is truly political, because the goal of politics is not to change the world or to make it conform to a moral ideal. It is even less to establish a harmonious city — a worldly Jerusalem whose birth would coincide with the end of historical becoming. Its purpose is to make society as livable as possible for as many members as possible, and not to try to establish an "ideal" collective. It works here and now, by always keeping in perspective the necessary and the possible.

Today, the moral concept of politics can be found mostly within the Left. It is seldom realized, however, that it can also be found within the Right as an *ethical* vision of politics, which is just as inappropriate. Political action is taken to "exemplary" ethical heights, a sincerity of beliefs and an esthetics of action, with its intransigent radicality expressed mostly by slogans: the dream is of a "politics of ideals" — an "heroic," "sacrificial," "metaphysical," "absolute" politics. Totalitarian regimes

31. Cf. Michel Walzer, *La révolution des saints* (Paris, Belin, 1988).

32. As Darcos concludes, "Morality does not consist in acting morally, but in clearly identifying the good through petitions, admonitions, denunciatory sermons. . . . The same 'wild bunch' who cause trouble in the suburbs and who throw stones at the police and schools, are ready to organize demonstrations . . . against racism or in favor of any third-world theme." See Darcos, "Politique et globalisation morale," *op. cit.*, pp. 55 and 57.

33. For a particularly stupid and truly ridiculous exposé of this type of moral critique of politics, cf. Benny Lévy, *Le meurtre Pasteur. Critique de la vision politique du monde* (Paris: Grasset, 2002). Polemicizing with Spinoza, the author, who defines politics as the "empire of nothingness" and as "an empty space" instituted by Moses' death, proposes explicitly to "depart from the political vision of the world." One should understand that the departure is situated somewhere in the biblical tradition, i.e., in the abandonment of human autonomy in favor of the absolute.

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have often used this rhetoric to generate "enthusiasm" in the masses. The consequence was war, the cult of violence and, finally, self-destruction. This vision understands the nature of politics just as little as the previous one. "Ideal" politics are nothing more than the apolitical.

Another form of moral politics consists in the desire to establish a virtuous political power, i.e., in "moralizing politics." Such a requirement, which also requires "transparency" and "visibility," rests on an erroneous postulate, according to which political action can be made to coincide with moral idealism. It is often linked to the deep conviction that political power always implies lies and frauds — a very popular idea originally advocated by liberal theoreticians. The requirement of virtue is opposed to the opacity of political action, always interpreted as concealment, as well as *Realpolitik* or "*raison d'Etat*."

Naturally, it would be better if politicians were honest rather than corrupt, just as it would be better if they behaved according to the principles they preach. Unfortunately, their honesty and the sincerity of their convictions do not guarantee that they are good politicians. Better yet, whether a politician is honest or not is *politically* irrelevant. What counts is, first, that he is a good politician, and then, that he *appears* to be virtuous, because the opposite might result in social and political disorder. The exemplarity of a politician is exercised only on the level of public visibility; he is not accountable as far as his private life is concerned. There is no "hypocrisy" in this conclusion. Whoever challenges it betrays an "apolitical" approach to politics. In politics, only appearance counts, for the simple reason that in the public domain it is impossible to distinguish between appearance and reality. Machiavelli is very clear on this: private confessions have no place in public affairs. Therefore, "if the fundamental condition of politics is to operate within appearances, we do not have to question the gap between the depths of hidden reality and the visibility of appearance. . . . To attempt to 'moralize' politics by subjecting it to personal norms is to destroy it. To separate the validity of political action from private motives is the very condition of its existence and practice."[34]

Freund writes that the identification of morality and politics is "one of the sources of despotism and dictatorships."[35] Such an identification necessarily leads to removing politics from public affairs, to its going beyond itself. It is not an accident that French Jacobinism insisted on identifying politics and morality more than any other regime. The insistence on virtue

34. D'Allonnes, *Le dépérissement de la politique*, *op. cit.*, pp. 236-238.
35. Julien Freund, *Qu'est-ce que la politique?* (Paris: Seuil, 1967), p. 6.

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and the fight against hypocrisy, as conceived by Saint-Just and Robespierre, i.e., pretending to extract from the citizens' soul all bad thoughts to the point of trying to suppress bad intentions, ended in terror. By aspiring to control the private sphere, 20th century totalitarian regimes have demonstrated the moral, therefore inquisitorial character of their outlook. Meanwhile, they have revealed their *antipolitical* nature to the point of abolishing the distinction between public and private. In so doing, they abolished one of the presuppositions of politics. This terrorism of the "good" has resurfaced with the "humanitarian" theme, which automatically places those whom it opposes in the name of humanity *outside of humanity.* D'Allonnes is right to argue that "any attempt to realize morality by political means bans the very dimension of politics," and that totalitarian systems have made "the most extreme attempt that humanity has ever known to *totally destroy politics.*"[36] When "everything is political," nothing is.

The mistake of this moral vision of politics is separating good from evil in the way religion does: by believing that good can engender only good, and that evil can engender only evil. Historical reality testifies to the contrary. It is what Max Weber calls the paradox of consequences. From the complexity of historical action and the impossibility of apprehending all of its parameters, a good intention may have unfortunate or disastrous consequences, while an evil one could very well create the conditions for the realization of the good. The ethics of conviction is not always opposed to an ethics of responsibility.[37] Yet, whenever it absolves bad consequences in the name of purity, when it only judges consequences according to initial intentions — "we correct the vice of the means with the purity of the end," as Pascal said in his *Provinciales* — then it becomes irresponsible.

Politics cannot be subjected to morality, and even less confused with it, because they are not from the same order. A political command has nothing to do with a moral duty, with a "commandment" in the biblical sense; it is only an order. Similarly, political action does not depend on "truth" and "falsity." To make a political decision, whether by voting or by a governmental act, is to create the necessary conditions for achieving a concrete objective, not to state a truth. Finally, Socrates to the contrary notwithstanding, morality and politics cannot be identified, because what

36. D'Allonnes, *Le dépérissement de la politique*, *op. cit.*, pp. 220 and 261-262.

37. Max Weber writes: "The ethics of conviction and the ethics of responsibility are not contradictory; rather, they complete each other and together constitute the authentic man, i.e., a man who could meet the requirements of political vocation." See *Le savant et le politique* (Paris: Plon, 1959), p. 199.

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is *morally just*, from a personal and private viewpoint, is not necessarily synonymous with what is *politically good* from a collective and public viewpoint. Thus, a political choice concerning the common good cannot be decided according to principles of private morality; it is different from a personal moral choice. As Freund writes, "morality and politics do not have the same goal. The former responds to an internal requirement and concerns the righteousness of personal acts, each one assuming fully the responsibility of its own behavior. Politics, on the other hand, responds to a social necessity, and whoever takes this road expects to take charge of the global fate of the collectivity."[38]

That does not mean that politics is not concerned with "morality." On the contrary, it has its own *ethos*. Politics realizes the good to the extent to which it remains true to its purpose: to serve the common good, to allow everyone to realize one's freedom by participating in public affairs. But some naiveté is necessary to believe that this civic morality, based on the love for public life, never contradicts morality. Machiavelli, who in his critique of Savonarola had already shown that the establishement of the kingdom of moral virtue would have meant the end of politics, states that, regarding a conflict between Naples and the papacy, the Florentines "preferred the grandeur of their city to the salvation of their souls." Montesquieu expresses a similar view when he wrote in the preface of his *The Spirit of the Laws* that virtue in the republic "is not a moral virtue, not a Christian virtue, but a political virtue."

The last threat to politics is the rise of technocracy. In a society where internal complexity is constantly increasing, and where the state is fragmented into a multitude of administrative units, the role of technocrats becomes inevitably more important. Consequently, politics is limited by the opinions of experts, who purposefully maintain the complexity of their files, so that in case of failure no one is responsible or guilty.

On a deeper level, depolitization results from the idea that for any political or social problem there is only one possible technical solution, and that it is up to the experts to determine rationally what it is.[39] Its consequence is the increasingly rationalized and bureaucratic exercise of power, and the occlusion of the fact that it is up to politicians to decide the goals of public action. The assumption is that democracy is too fragile to be left to the people, and that, in order to remain "governable," it must be separated from public participation and deliberation. In the same way that economic ideology tends

38. Freund, *Qu'est-ce que la politique?*, *op. cit.*, p. 6.
39. Cf. Fernando Vellespin, *El futuro de la política* (Madrid: Taurus, 2000).

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to equate governing with the management of things, technocracy regards politics as an artificial activity based on the only rational control.

It seems that politics is a "doing" (Hobbes already praised "action as doing") and that it obeys the laws of reason. It is the legacy of Enlightenment theoreticians who, following the model of the exact sciences, believed it possible to transform political action into an applied science based on the norms of physics and *mathesis*. The objective is to eliminate chance, uncertainty, and indeterminacy from the plurality of choices, as well as conflict, which by definition causes uncertainty. The hope, which always remains frustrated, is to match the rational and the real by forging a "scientifically" predictable future.

To turn politics into a matter of expertise means to dispossess citizens of their priorities by reducing the political game to an exercise in universal rationality. When Aristotle discusses practical wisdom (*phronesis*), he clearly shows the difference between the rational and the reasonable. Challenging the belief that politics could ever be a science, he warns against "the idea that the same degree of rigor and precision could be achieved in human affairs, which are variable and subject to decision, as, e.g., in the mathematical sciences."[40] The conclusion is that experts can never play more than a subordinated role. Political competence does not stem from expertise, because it is not up to experts to determine the goals of public action. In their diversity, people as a whole know better than any individual alone. Citizens do not need to be experts to participate in deliberations and to express preferences or choices.

According to Freund, the problems of politics are the result of the disorders brought about by technology.[41] More precisely, for several decades technology has done more to transform social life than any government has ever hoped. As Massimo Cacciari put it: "the immanence of technology means global depolitization."[42] Like the "government of judges" or the "government of financial markets," the "government of experts" is nothing more than a cover for the contraction of political space. The question is to know how this space can be expanded and redefined.

Since the late 1980s, the European political scene has changed radically. Having given up its utopian visions as well as its illusions, after the fall of the Berlin Wall and the collapse of the Soviet system most of the

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40. D'Allonnes, *Le dépérissement du politique*, *op. cit.*, p. 62.
41. Freund, *Politique et Impolitique*, *op. cit.*, p. 409.
42. Massimo Cacciari, "Le nouveau sujet du monde, c'est la volonté de puissance," in *Libération* (Feb.23-24, 2002), p. 45.

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Left understood that what was being sought through "socialism" could very well be achieved within the welfare state, i.e., the liberal state, precisely when the difference between liberalism and social democracy was giving way to a new form: Guy Debord's "integrated spectacular state," Alain Badiou's "capital-planetarianism." It joined the market economy, while reviving "antifascism," which at that point could only serve as a sort of moralizing sentimentalism. Having lost its natural adversary, the Right entered a serious identity crisis. It had gradually accepted "leftist" cultural positions, while the Left was slowly adopting "rightist" positions on economic matters. Within the context of the worship of commodities, "human rights" became the basis for a new consensus and, simultaneously, a substitute for political thought, while in fact they were only the expression of a juridically-grounded moral discourse.

This readjustment of agendas has led the electorate to think, not without justification, that there is no longer a fundamental difference between Left and Right, and, at the same time, to try to locate itself outside of this obsolete cleavage. The consequences are well-known: a growing abstention from voting, the distribution of votes among numerous candidates, the rise in protest votes benefiting mostly extremist parties, the disappearance of traditional electorates defined by sociological, professional or religious criteria. While between the two world wars each political family (communists, socialists, liberal-conservatives, nationalists) had its own culture and even its own language or particular life-style, the homogenization of life-styles, accelerated by consumerism and the media, now translates into a growing flattening of electoral behavior, but also, paradoxically, into a fragmentation of the electorate.

Voters strongly identified with several social groups, who are less influenced by general ideas and less mobilized by collective representations, vote for the most different candidates. They no longer seek a receptive party to reflect their views, but jump from one party to another according to their interests at the moment. The political options are also increasingly fragmented. Politicians, whose positions are always distorted by the media, no longer attain anything but circumstantial majorities, which vary with the issues at stake. Voters no longer have to choose between representatives, who embody conflicting concepts of the general interest, but between teams of professionals who try hard to respond to contradictory demands, linked to so many particular interests. The fragility of opinion and the uncertainty of expertise produce a fundamentally hesitant politics, lacking foundations and generating indecision. As Marc Abélès notes: "This leads

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to a governing style ruffled by the heterogeneity of demands, as can be seen by the influx of categorical claims and responses."[43]

There is now a crisis of representation, whose main cause is the complication of conflicts of legitimacy. Confronted with this crisis, politicians rely obsessively on polls, like Roman patricians used to consult the oracles. But research institutes, which are often wrong, are entrusted primarily to carry out market research. Evaluating voting intentions from "representative panels" with certain purchasing power, they only obtain the answers to the questions asked, which allows them to ignore the ones posed by the voters. Political democracy is transformed into a democracy of opinions, and political action into the "pure management of economic constraints and social demands" (Alain Finkelkraut). Obviously, this public opinion has nothing to do with the general will.

While politicians strive to regain the voters' confidence, a gap has appeared between the citizens and a political class that seems to have no ambition other than to perpetuate itself. This gap widens even more between the challenges of the times and institutional responses, between morality and law, the advances of technoscience and the legislation related to it. In other words, today the New Class receives no more than a third of the votes. As Werner Olles writes: "Behind the stated objectives, it is obvious that politicians constitute a homogenous class concerned primarily with its own interest. Then, not only are men discredited because of their hypocrisy, but so are their ideas, which appear to be vulgar alibis. Concepts of popular sovereignty and representation lose their shine and appear to be empty ideas meant to disguise the seizure of power by a particular class."[44]

By the way, the age of intellectuals is long gone. Of course, there are still intellectual discourses, but they have no focus or political impact. Intellectuals have ceased to be a moral force (the conscience of their time) or a social force (the voice of the voiceless) that they were once upon a time. Disqualified by the rise of technocracy and the media, they no longer generate meaning, only intelligibility. Gauchet concludes: "the culture of intellectual elites has become indecipherable for most French people, while political manipulation has become normal."[45] Intellectuals have no choice other than to withdraw to university research centers and specialized literary societies or to become "cultivated" media objects, at the risk of finding themselves in a position to run non-stop behind a reality

43. Marc Abélès, "Le retour du politique," in *Le Monde*, May 2, 2002.
44. Werner Olles, "Le nouveau 'Kulturkampf'," in *Catholica*, Spring 2002, p. 21.
45. Marcel Gauchet, *Libération* (April 26, 2002), p. 17.

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which prevents them from transcending their times.

Having become "the central place for the production and diffusion of morals and culture," television attempts "to detach itself from politics,"[46] while public life suffers the effect of presentism. Politicians worry only about the short run (generally, until the next election), and do not bother with long term problems. But what kind of politics does not deal with the long term? Public action is so much more vulnerable that it finds itself constrained by immediacy. As it is presently practiced — i.e., as desymbolization, the disappearance of conflicts, the rise of personalities, the voters' political apathy — politics seems to be heading to is own demise. "Small phrases" replace discourse, opinions and beliefs no longer constitute public space, do not inspire collective representation, and debates concerning ends have disappeared. "Citizen" is no longer an eminently political notion.

The way in which Europe is constructed — economically strong and politically weak — contributes to this apparent depolitization: everything is done as if only a process of depoliticized integration could guarantee its completion. Cacciari suggests that the "process of European integration represents a definitive decline in the need to deploy *political decisions* in the proper sense of the term."[47] The only goal of this Europe of Maastricht would be to end political conflicts just as in the past the nation-state ended religious wars. It is "a wave of depolitization, in fact, an attempt to reject everything that constitutes the specificity of the political as well as, more particularly, of democracy."[48] In fact, democracy is a system which, by definition, allows or should allow the largest participation in political life: "There is no democracy without a political community of citizens held together by common principles and goals. And there is no democracy in the modern sense without the people's sovereignty."[49] The political deficit in a democracy corresponds to a democratic deficit in politics.

But must one talk about depolitization? Actually, nothing is less certain than depolitization. First of all, if politics is a dimension of the social, if it is part of man's social nature, there is reason to be skeptical about its disappearance. But even if today the economic, the juridical or the "humanitarian" appear to limit political space (which they undeniably do) then, to the extent that they substitute for the political, they in turn become political. The

46. Michel Wieviorka, "Déréliction du politique?" in *Le monde des débats* (June 2001), p. 31.
47. Massimo Cacciari, "Pensare l'Europa," in *MicroMega*, No. (1999), p. 202.
48. Taguieff, *Marianne*, *op. cit.*, p. 69.
49. *Ibid.*

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economic has to do not just with exchange and production, but also with conflictuality; humanitarianism regularly disguises power interests, and morality has repercussions that go beyond its own sphere. Thus, Schmitt, who argues that the political is defined by the intensity of a relation, concludes that all sectors of human activity are "virtually political, and become political as soon as decisive conflicts and decisive questions appear there."[50]

Freund has a similar view: "The fashionable slogan — the future belongs to the economy, and not to politics — makes no mention of the decline of politics. On the contrary, it indicates that power flows through the hands of economic entities and that the distinction between friend and enemy is made on an economic basis, just as it was once made on a religious basis."[51] It would be better to talk of unacknowledged politics, or politics operating in different guises, rather then of depolitization. It could also be argued that what is disappearing today is the *modern* form of politics: it is not politics that disappears, but its modern version.

Modern politics was organized primarily around the nation-state, as the engine of the administrative and institutional apparatus, and a productive agent. The great concepts, e.g., the notion of sovereignty, on which it was predicated, were basically secularized theological concepts. This normative model, which was established in the 18th and 19th centuries, has entered a crisis as a result of the appearance of political agents outside the state, or of social agents demanding political recognition. Recently, the nation-state has also been constrained by transnational restrictions over which it no longer has any control. Today, "the state no longer organizes society, it disorganizes it. Then, the state runs the risk of no longer being the natural space for the expression of popular sovereignty."[52]

As is well known, state and politics have never been totally coextensive. Politics exists both before and after the state. The justification of

50. Carl Schmitt, *Der Hüter der Verfassung* (Tubingen: J.C.B. Mohr-Paul Siebeck, 1931), p. 111. Schmitt came back to this idea a number of times, notably in his *La notion du politique* (Paris: Calmann-Levy, 1972), as well as in 1930: "Politics, understood literally, shows only the intensity degree of a unity. Therefore, political unity could comprise different contents and combine them. But it always defines the most intense degree of unity. . . . The point of politics could be attained by all domains and all social groups — Church, unions, corporations, nations — become political . . . when they approach this point of supreme intensity." See "Ethique de l'Etat et Etat pluraliste," in *Parlementarisme et démocratie* (Paris: Seuil, 1988). This argument clearly contradicts or weakens the weight of Schmitt's warning against the emergence of an entirely "depolitized" world. If all human activity is always potentially political, the risk of politics disappearing is almost zero.

51. Julien Freund, *L'essence du politique* (Paris: Surey, 1965), p. 447.

52. Alain Bertho, *Contre l'Etat, la politique* (Paris: La Dispute, 1999), p. 75.

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statist monopoly over public life has led to the almost complete dissociation of those two notions. What disappears is not politics or the state, but the identification of state and politics.[53] It also puts an end to the time when political parties were "natural" mediations between society and state. Consequently, when decisions are made more and more frequently by appointees, rather than by elected representatives, "rising to power" no longer seems like the first objective of political action or the necessary condition for the fulfillment of a program. "Leninism as a political theory ends at the dawn of year 2000."[54] More generally, politics as secularized theology is about to disappear.[55]

What follows is, first of all, that today typically modern, sanctified politics, with its absolutist concept of sovereignty, its parties organized like churches, its militants committed to a long-term quasi-ecclesiastical contract, is no longer plausible. Political and religious belief are separate, in the sense that the former no longer tries to imitate the latter. The beginning of postmodernity implies giving up all hopes for the historical objectification of an absolute (nation, people, class, race, etc.). The feeling of emptiness — enhanced by the sense that the state "feeds on false hopes," that politicians "follow" developments they no longer control — is nothing more than the disorientation resulting from the exhaustion of this kind of politics, which was a substitute for faith. Those living under the old regime, the supporters of the "one and indivisible" republic, fail either to understand or to admit that their world is falling apart.[56] Religious belief implied an authority from the past, using tradition as a model; modern political belief implied an authority coming from the future. The common trait of both was that the principle of social organization was founded on a principle of heteronomy. Neither of them is credible today. In postmodernity, the authority comes only from the present. Postmodernity is then the advent of autonomy, i.e., of indeterminacy, and that implies the possibility of a new beginning.

The fading of all traces of "religion" in politics brings about a radical

53. Cf. Stephan Lahrem and Olaf Weissbach, *Grenzen des Politischen. Philosophische Grundlagen für ein neues politische Denken* (Stuttgart-Weimar: J.B. Metzler, 2000), p. 65.

54. Bertho, *Contre l'Etat*, *op. cit.*, p. 168.

55. As Pierre Rosanvallon put it: "*Metaphysics of the will* is what disappeared at the end of the 20th century. It is simply not possible to continue to think of democracy in theologico-political terms." See his *Le sacré du citoyen. Essai sur le suffrage universel en France* (Paris: Gallimard, 1992), p. 396.

56. As Gauchet notes, "We are about to learn the politics of man without heavens — not with the heavens, not instead of the heavens, not against the heavens." See his *La religion dans la démocratie. Parcours de la laïcité* (Paris: Gallimard, 1998), p. 65.

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transformation of relations between society and state. The institutions which functioned as "melting pots" (e.g., school, army, parties, trade-unions) are now all in crisis, and have lost their ability to create social relations. Since then, these are created elsewhere. In response to the nation-state's paralysis, there has been a flourishing of networks and associations, identitarian phenomena and new social movements, which aspire to play a public role. This tendency obviously tries to compensate for the social disjunction. Pleading for a "politics of recognition," these identitary groups and new communities seek to regain their rights in the public sphere, from where republican and secular principles, along with the Jacobins' hostility toward intermediary bodies, had banished them to the private sphere.

This development, however, cannot be interpreted in terms of the liberal scheme of a "civil society" opposed to the public sphere. The private sphere does not impose itself against the public sphere; rather, society as a whole revives the political dimension of which the state monopoly had deprived it. Politics leaves the statist-institutional sphere in order to rediscover its place within a global society. The emergence of a society of networks modifies and renews the conditions of public life, while the state loses the overbearing holiness it had when, placed immediately above the citizens, it imposed a uniform and abstract model. Now, the state becomes part of "horizontal" representation, by forcefully adapting to the new conditions of social life. It takes the advice of ethics committees and "moral authorities," it allows people with no political experience to become ministers, it tolerates the right of recognition of certain groups which were previously hidden within the private sphere. The phenomenon is equivocal, and the results could be evaluated differently. What is important is the destruction of a classical model, which rested on the strict separation of the public and private spheres, and the presumed neutrality of the former.

Naturally, this evolution also has some negative aspects. One of them is related to the appearance of individualistic utilitarianism, encouraged by consumerism. As no one believes in "great discourses," they look first and foremost after their own interest, and thus run the risk of transforming society into a competition among individuals and groups, with no notions of the common good. But, at the same time, new political phenomena have appeared. The main split is no longer between Right and Left, or even between "fascism and democracy"; it is now vertical: the low versus the high, the people versus the elite, the popular classes versus the ruling New Class. This is "like the situation right before the French Revolution, with the marginalized, who have been denied the advantage of social mobility,

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and a barely representative endogenous elite, closed from the outside, incapable of talking to the popular milieus and of hearing them."[57]

The multifaceted phenomenon of "populism" is the direct consequence of this new split. Trapped by most diverse national, liberal, social ideologies, populism expresses primarily the lower classes' uneasiness and will to protest against a political class deemed irresponsible, distant, concerned only with itself and often corrupt. It should not be seen as an antipolitical phenomenon, as it is sometimes claimed, but as the result of a distancing — the people's resentment of the New Class. When they become caught in "party politics," populist movements and parties generaly denounce the monopoly of politics that the New Class arrogantly claimed. They do not wish to suppress politics, but to give it a completely new face,[58] which is why they oppose the people, the citizens, to the ruling class, concentrated in the center of the political system and the media. The general idea is that these elites constitute a coalition, so homogenous that the classical difference among the parties running the government and the opposition, between Left and Right, has lost all meaning. It is indicative that the notion of "political class" remains viable, whereas that of "social class" seems to have evaporated. For populists, the differences between "big parties" are only cosmetic: far from being incompatible, these parties get along very well, constituting a cartel which is opposed only by the growing force of populist aspirations — the only one able to bring about "true change."

Populism is not an ideology, but a style. That is why it is difficult to judge it as if it were a whole. Populism has many sides, and if too often its rhetoric turns into demagogy, in general it exhibits a strong identity meant to mitigate the crisis of representation. This is not accidental: within the political collectivity, there is more representation and less identity. Schmitt has discussed the importance of this distinction between identity

57. Jacques Julliard, in *Le Nouvel Observateur* (May 2, 2002).

58. Cf. Andreas Schedler, "Anti-Political-Establishment Parties," in *Party Politics* (July 1996), pp. 291-302. On populism, see Alexandre Dorna, *Le populisme* (Paris: PUF, 1999); Yves Men and Yves Surel, *Par le peuple, pour le peuple. Le populisme et les démocraties* (Paris: Fayard, 2000); "Il nuovo populismo in Europa," a special issue of *Trasgressioni* 29 (January-April, 2000); Marco Tarchi, "Interpretazioni del populismo," in *Trasgressioni* 31, (Sept.-Dec. 2000); Guy Hermet, *Les populismes dans le monde. Une histoire sociologique, XIXe-XXe siècle* (Paris: Fayard, 2001); Pierre-André Taguieff, "Populisme, nationalisme, national-populisme. Réflexions critiques sur les approches, les usages et les modèles," in Gil Delannoi and Pierre-André Taguieff, eds., *Nationalismes en perspective* (Paris: Berg International, 2001), pp. 303 and 407; and *L'illusion populiste. De l'archaïque au médiatique* (Paris: Berg International, 2002).

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and representation, arguing that the people have much less need to be *represented* than to be politically *present*. For this reason, Schmitt challenges Kant's idea that "the true republic is and could only be a representative system of the people,"[59] arguing, in Rousseau's tradition, that "there is no democracy other than direct democracy," and that, in an indirect, representative democracy, "the representative element represents the non-democratic element of this 'democracy'."[60] A political society with the most identity possible is a direct or participatory democracy, while a political society with the most representation possible is an absolute monarchy.

Of course, most contemporary regimes include both identity and representation. Schmitt, however, warns against excessively representative regimes. There, the danger is to become "a state without people. A *res populi* without a *populus*."[61] On the contrary, direct democracy allows the people to be "a political unity as a real power in its immediate *identity* to itself." The term "identity" characterizes the existential side of political unity, whatever its foundations might be. Schmitt concluded that "in democracy, the participation of all citizens in the state does not have the sense of representation, but of constitution of the identity of the people as a political unity."[62]

Communitarian theoreticians like Michel Sandel and Alasdair MacIntyre have emphasized that individuals can never be posed as abstract egos, but that they are inseparable from their ends and are always determined by a particular idea of the "good life," connected to one or more constitutive factors of their identity. These factors can be inherited or chosen. Even if they are inherited, they become active only to the extent that they are accepted and wanted.[63]

Thus, the purely individualistic moment of political life appears obsolete. The emergence of communities and networks restores respect for a principle of association different from the contract. In the past, the contractual principle forced individuals to emancipate themselves from communities of belonging. As Durkheim, Simmel or Tönnies have shown, however, this also produced catastrophes by engendering new kinds of social relations. The *contract* is fundamentally different from the

59. Immanuel Kant, *Métaphysique des moeurs*, Vol. 1: *Doctrine du droit* (Paris: J. Vrin, 1971), p. 217.

60. Carl Schmitt, *Théorie de la Constitution*, *op. cit.*, pp. 352 and 356.

61. *Ibid.*, p. 353.

62. *Ibid.*

63. Gauchet concludes that today "the social link is anterior to the individuals, as if it had been created by them." (*La religion dans la démocratie*, *op. cit.*, p. 84).

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association. The mistake of contract theoreticians was to believe that individuals could enter into a contract among themselves without already being part of some associations. This is impossible, which is why no social contract could ever be truly foundational: in the best case, it could only sanction a preexistent association. The current revival of the associative movement, which relies heavily on Proudhon, deserves to be carefully re-examined, particularly in regard to the connection it creates between individual autonomy and the reconstruction of social relations.[64]

Roger Sue, who appeals to those who inspire or theorize the associative movement, writes that for them, "power has to proceed from a collective of associations: their vision of democracy is initially federalist."[65] He adds: "A political 'associationism' needs to emerge, because representative democracy, as conceived and practiced for decades, is no longer suitable. The idea of a multiplicity of representations needs to be integrated, one in which each citizen could be representative and represented at the same time. Thus, we come back to the principles of democracy of Aristotle: everybody needs to rule and be ruled."[66] The ideal of autonomy leads to association, not to secession. The association is one of the current models most likely to politically reactivate society.

One of the big mistakes of the modern era has been to flatten all social relations onto the private sphere, and to delegate to the state the monopoly of politics. Following this scheme, liberals have chosen to emphasize the private ("civil society"), while their adversaries defend the privileges of the state-controlled public sphere. Both accepted a dichotomy, which today appears unsustainable. The autonomy of society and its political dimension need to be taken into consideration, i.e., its ability to intervene in the public domain. Society is not the private or the simple aggregation of private behaviors. It has both a private and a public dimension. Every time a member of society acts as a citizen, he participates in this public dimension.

The way in which economics and society have been related, by the Right as well as the Left, is just as questionable. Society is distinct both from the state and the market, and can thus defend its prerogatives against both. Social regulations, meant to hold together the market sphere, cannot come from liberal "civil society," which is nothing more

64. Cf. especially Jean-Louis Laville, Alain Caillé, Philippe Chanial, *et al.*, *Association, démocratie et société civile* (Paris: Découverte, 2001); Roger Sue, *Renouer le lien social. Liberté, égalité, association* (Paris: Odile Jacob, 2001).

65. Interview in *Transversale science/culture* (February 2001), p. 14.

66. *Ibid.*, p. 15.

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than the aggregation of particular entities and the place where various interests confront each other. Opposing the state to the market (statism) or the market to the state (liberalism) does not do any good. It would be better if, through the political intervention of socirty, the distribution of social goods is not reduced to statist or market mechanisms.

François Ascher writes that representative democracy "could almost function when citizens share great ideologies and/or great socio-economic interests, they can be represented collectively and delegate their power. In a society as complex as ours . . . this system of delegation functions less and less well."[67] D'Allonnes reiterates that "representative democracy is conceivable only when the problematic of consent to power . . . turns into the problematic of effective participation in power."[68] Then, one must not reject all representation, but reinvent or institute new forms of direct democracy on all levels — that direct democracy liberals have always rejected in the name of the elites' prerogatives and out of fear that it would not engender revolutionary violence — and, at the same time, reduce the levels and forms of representation. If citizenship is immediately congruent to society, it must find the means to express itself in public life.

The natural place for participatory democracy is in associative and local action. This local action (at the neighborhood, the community, or the regional level) needs to determine the conditions for a new equilibrium, between deliberation and decision, knowing that the vote is only a democratic means among others — "only one mode of expression of preferences and wills" (Rosanvallon). In other words, and above all, it must be based on the principle of subsidiarity, which consists in delegating to higher levels only those decisions which could not be made and the problems which could only be solved by the lower levels. The idea that citizens must be able to decide by themselves about what concerns them is the basis of autonomy.[69] Today, the principle of subsidiarity is the best way to counter the global tendency of homogenization. The federal system, which Raymond Aron described as "the civilized or voluntary version of the Empire,"[70] is

67. François Ascher, "L'echo d'une société hypermoderne," in *Libération* (April 25, 2002), p. 21.

68. D'Allonnes, *Le dépérissement de la politique*, *op. cit.*, p. 106.

69. D'Allonnes writes: "When it comes to making a collective decision [. . .], the best judge is not the work's author but its user: its receiver, in other words. (*Ibid.*, p. 63).

70. Raymond Aron, *Paix et guerre entre les nations* (Paris: Calmann-Levy, 1962), p. 738. Charles Mathieu, a vehement adversary of this system, writes in his turn: "The advocates of federal Europe are the apostles of regionalized Europe. This is certainly not surprising, since the Empire has always gotten along well with the feudalities." ("Le retour des féodalités," in *Une certaine idée*, vol. 4 (2000), p. 63).

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moving in this direction, since it is organized from the bottom up, according to the double principle of autonomy and subsidiarity. In some respects — shared sovereignty, a plurality of allegiances and belonging, reciprocity in sharing and exercising power — postmodernity reintroduces certain aspects of feudal premodernity.

This is not the end of politics, but of a political form: modernity is coming to an end. It is the exhaustion of a model of overbearing authority, where decision-making was concentrated in the hands of a power from above, of the failure of self-proclaimed elites whose historical experience has shown that they were not more capable or less fallible than the masses, which they pretended to enlighten. Allowing politics to return means that there is nothing more to expect from open party competition or from a democracy which, because of liberal parliamentarism, has become exclusively representative, and no longer represents anything. To the extent to which the main split is between elites and the people, no *solution from above* is now possible. The weakening of national sentiments cannot be cured by reasserting the prerogatives of the disintegrating nation-state.

Paul Valéry used to say that politics was the art of preventing people from participating in the affairs which concern them. Today, doing politics consists in making people decide as much as possible about what concerns them. It must not be forgotten that the first subjects of democracy are the people. The starting point of democratic politics is the people's instituting power. Democratic sovereignty is not national sovereignty, but popular sovereignty. Today, politics is reappearing from the bottom up, through the reconstruction of the social link and a full reactivation of the political dimension of society, in terms of local autonomy, participatory democracy, associative and community life, and the principle of subsidiarity. It means following the Greek, rather than the Roman model: substituting the image of the labyrinth with that of a pyramid.

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Julien Freund, Political Thinker[1]

Pierre-André Taguieff

On June 26, 1965, Julien Freund defended his thesis on "The Essence of Politics" at the Sorbonne. In addition to his advisor, the examining committee included Raymond Aron,[2] the philosophers Paul Ricoeur, Jean Hyppolite, and Raymond Polin, as well as Pierre Grappin, who was at the time the dean of the newly-founded University of Nanterre-la-Folie. Born on January 9, 1921 in Henridorff (Moselle), Freund had just turned 44 when he defended his dissertation in philosophy,[3] on which he had been working since 1949, when he completed his degree in education. Freund's thesis unfolded on such a high level of abstraction that it appeared to exclude the analysis of all social and historical realities related to numbers or facts. Indeed, his goal was to determine the conditions that make politics possible, to identify its constants, to explain its presuppositions.[4] Freund studied politics, and later economics and religion, from a phenomenological perspective. According to him, the presuppositions of politics are "concepts that make possible an understanding of

1. Originally published as the "Preface" to the fourth edition (2003) of Julien Freund, *L'essence du politique* (Paris: Sirey, 1965). Translated by Kathy Ackermann.

2. Freund met Aron in early 1952 in Paris. According to Freund, Aron was "one of the few intellectuals at the time who did not approach politics in terms of ideology." See Julien Freund, "Raymond Aron directeur de thèse," in *Commentaire*, Vol. 8, No. 28-29 (February 1985), p. 55. Aron, who at that point was not yet a professor at the Sorbonne, could not be his thesis advisor, which is why Freund turned to Jean Hyppolite.

3. Freund's first article was entitled "La crise du politique," in *Revue française de science politique*, Vol. 4 (October-December 1951), pp. 586-593.

4. Julien Freund, *L'essence du politique* (Paris: Sirey, 1965). In 1978, Freund added a preface to the second edition (pp. vii-xii). In 1986, he added an important appendix (pp. 813-828) to the third edition. Much of *L'essence du politique* was published in paperback as *Qu'est-ce que la politique?* (Paris: Seuil, 1968).

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what politics is, why it always and necessarily is what it is and not anything else."[5] More precisely, for Freund it is a matter of "understanding the phenomenon of politics and its distinctive characteristics, which differentiate it from other phenomena regarding collective order such as economics and religion, and of finding positive and conclusive criteria that allow a differentiation between social relations that are purely political and those that are not."[6]

In his search for presuppositions or irreducible political categories, i.e., relations that have to be laid down logically so that politics can exist, Freund ends up locating three, each of them a conflicting pair: 1) the relation between command and obedience; 2) the relation between public and private; and 3) the relation between friend and enemy.[7] On the first page of his thesis, Freund wrote: "There is no politics without a real or virtual enemy." This claim, made in the years following WWII, shocked his advisor, Jean Hyppolite, a Marx and Hegel scholar.[8] Hyppolite was a leftist who believed in the necessary march of progress in history, and that at the end of this march toward a better world there would be no more wars, and therefore no more enemies. This glorious future envisioned (rather naively, according to Freund) the reconciliation of humanity with itself, in a world without politics, or in a post-political era. In 1958, after reading the first hundred pages of the thesis, Hyppolite demanded that Freund explain his scandalous claim that "there is no politics without enemies." In front of Georges Canguilhem, one of Freund's former teachers,[9] Hyppolite told the young candidate: "I am a socialist and a pacifist. I cannot supervise a thesis at the Sorbonne stating that there can only be politics if there is an enemy." Freund refused to cleanse

5. *Ibid.*, p. 84.

6. *Ibid.*, p. 2 and pp. 94-100.

7. On the criterion friend/enemy, discussed in reference to Carl Schmitt, see Freund, *L'essence du politique*, *op. cit.*, pp. 442-449.

8. Hyppolite had been Freund's teacher in Strasbourg. In March 1950, Freund, who was looking for a thesis advisor, convinced him to accept this role. See Freund, *L'essence du politique*, 2nd ed., *op. cit.*, pp. vii-viii.

9. Freund dedicates to his professor and comrade in arms his book *Le nouvel âge, éléments pour la théorie de la démocratie et de la paix* (Paris: Marcel Rivière, 1970) with an epigraph: "To Georges Canguilhem, to whom I owe my first philosophical enthusiasm. It was in April 1941" (p. 7). As a member of the resistance movement *Libération* (founded by Jean Cavailles), in 1941 Freund met in Clermont-Ferrand some of his university teachers, including Canguilhem. See *L'aventure du politique. Entretiens avec Charles Blanchet* (Paris: Criterion, 1991), pp. 28-29. On his relation with this "exceptional teacher," Canguilhem, see Julien Freund, "Ebauche d'une autobiographie intellectuelle," in *Revue européenne des sciences sociales* and *Cahiers Vilfredo Pareto*, Vol. XIX, No. 54-55 (1981), p. 28.

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his thesis of this fundamental point, which was the basis of his argument and the "red thread" of his experience and thought.[10] Hyppolite concluded that dialogue between them was impossible: "You will have to find another advisor for your thesis."

Freund sent the rough draft of his thesis to Aron, recently appointed a professor at the Sorbonne, who three weeks later, on January 3, 1959, answered: "I just read what you have written. I think it is very important. I accept to supervise your thesis."[11] Freund benefited from Paul Ricoeur's sponsorship[12] for the supplement to his thesis, consisting of a translation (with a long introduction) of some of Max Weber's epistemological writings.[13] In the 1950s, Aron was more than just a friendly advisor: he was above all the best intellectual guide,[14] especially at a time when the communist vulgate and the intellectual constraints deployed by the Stalinist machine were predominant. At the end of the foreword to his thesis, Freund pays tribute to his "two great masters"[15]: Aron, the highly suspect author of *The Opium of the Intellectuals*,[16] considered "a fascist" by the Stalinists, and Carl Schmitt, someone not only more suspect, but also damned and banned in France. They were also his friends.[17] Besides Schmitt and Aron, Weber's thought is also everywhere in *L'essence du politique*. Need one be reminded that Weber, now praised in academic circles, was at the time accused of being cynical, a precursor of Nazism, a German nationalist favoring authoritarian regimes, and a dangerous "nihilist"?[18]

In 1952, Freund, then 31, discovered by chance Carl Schmitt's *The*

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10. Freund, *L'aventure du politique*, *op. cit.*, p. 43.
11. Freund, "Raymond Aron," *op. cit.*, p. 55.
12. Freund, "Autobiographie intellectuelle," *op. cit.*, p. 28.
13. Max Weber, *Essais sur la théorie de la science*, tr. and intro. by Julien Freund (Paris: Plon, 1965). Freund's introduction (pp. 9-116) is a whole essay on Weber's thought.
14. Freund, "Raymond Aron," *op. cit.*, pp. 55-58.
15. Freund, *L'essence du politique*, *op. cit.*, p. 6.
16. Raymond Aron, *The Opium of Intellectuals*, tr. by Terence Kilmartin (Lantham, MD: University Press of America, 1957).
17. On Aron, see Freund, *L'essence du politique*, 2nd ed., *op. cit.*, p. viii; *L'aventure du politique*, *op. cit.*, p. 47; and "Autobiographie intelletuelle," *op. cit.*, pp. 30-31.
18. In the laudatory article about *L'essence du politique*, the philosopher Jean Lacroix criticized the complaints circulating within university circles: "Freund could be indicted for his views. His masters are mainly Germanic, like Carl Schmitt or Max Weber, which is not an objection but does carry some risk on the political level." See "Le politique," in *Le Monde* (May 8-9, 1966), p. 17. Lacroix insists on this, while avoiding any judgments of Freund's intentions and praising his "courage" and "lucidity." The article's conclusion is unambiguous: "It is impossible to discuss in a few lines this remarkable and passionate book."

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Concept of the Political, first published in 1927 as a journal article.[19] He read it passionately and in one sitting — a work by an author at that time totally unknown in France: "Until then, I had assumed that politics was based on conflicts between adversaries. I discovered the notion of the enemy, with all its political implications, and it exposed me to new understandings of war and peace."[20] He was particularly struck by the book's fundamental thesis: "The specific political distinction to which political actions and motives can be reduced is that between friend and enemy. This provides a definition in the sense of a criterion,"[21] in that it characterizes "a specific activity or notion, which eventually becomes autonomous with respect to other activities and notions."[22] "The political must therefore rest on its own ultimate distinctions,"[23] which differentiates the concept of the political as a type of human activity. Because it is "simple" or irreducible to other criteria, this principle reveals a fundamental aspect of that activity (or notion), the "without what" and the "through which" politics is what it is, in short, its "essence." Thus: "The nature of such a political distinction surely is different from that of those others. It is independent of them, and as such can speak clearly for itself."[24]

The friend-enemy anthithesis can characterize the essence of the political only if there is no confusion between two distinct categories, both referred to with the same term: "the "enemy." On the one hand, there is the private enemy *(ekhetros, inimicus)*; on the other, the public enemy (*polemos*, *hostis*).[25] On this fundamental question, Freund generally follows Schmitt's analysis: "The enemy is not merely any competitor or just any partner of a conflict in general. He also is not the private adversary whom one hates. An enemy exists only when, at least potentially, one fighting

19. Subsequent versions were published in 1932 (third ed.) and in 1963 (last ed.). A French translation appeared in the collection "Liberté de l'Esprit" (directed by Raymond Aron) as *La notion de politique* (Paris: Flammarion, 1972); it was followed by Carl Schmitt, *The Concept of the Political*, translation, introduction, and notes by George Schwab (Chicago and London: The University of Chicago Press, 1996).

20. Freund, "Autobiographie Intellectuelle," *op. cit.*, p. 29.

21. Schmitt, *The Concept of the Political, op. cit.*, p. 26.

22. Julien Freund, "Une existence and une pensée faites de contrastes," in *Commentaire* (Winter 1985-1986), p. 1104. This is part of a dossier about Schmitt (1888-1985), who had just died at the age of 97 amidst almost total indifference in France. In addition to an enlightening foreword by Pierre Manent (pp. 1099-1100), this dossier includes a rather severe article by François Bondy ("Carl Schmitt: juriste ou légiste?" pp. 1110-1112), as well as a 1954 text by Schmitt, "Entretien sur le pouvoir," tr. by Françoise Manent, pp. 1113-1120.

23. Schmitt, *The Concept of the Political, op. cit.*, p. 26.

24. *Ibid.*, p. 26.

25. *Ibid.*, pp. 69-70; Freund, *L'essence du politique*, *op. cit.*, pp. 442-444.

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collectivity of people confronts a similar collectivity. The enemy is solely the public enemy. . . The enemy in the political sense need not be hated personally." [26] To give up discrimination between friend and enemy would conjure the vision of a "world without politics."[27] Schmitt's claim that "all political concepts, images and terms have a polemical meaning," because "they are focused on a specific conflict and are bound to a concrete situation; the result (which manifests itself in war or revolution) is a friend-enemy grouping."[28] Freund recasts this proposition as less descriptive, but more ontological: "To say that something is political means that it is polemical."[29] In his subsequent theoretical works, Freund again is inspired by Schmitt's account of six "original activities," each of which is considered to be an "essence": politics, economics, religion, science, morality, aesthetics.[30]

Back in Strasbourg in 1952, an enthusiastic Freund asked Paul Ricoeur[31] to read Schmitt's *The Concept of the Political*, and loaned him his own copy. Ricoeur returned it, saying: "Remarkable, but I made some inquiries. This man is a Nazi."[32] He added that Schmitt was still alive, and that he was the Nazi "Crown Jurist."[33] Freund was appalled: "I silently brooded over my consternation, because there was nothing in the work which would have allowed me to presume that the author was a Nazi."[34] It is true that in 1932, when Schmitt published *The Concept of the Political*,[35] this radical critique of the Weimar Republic did unequivocally challenge

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26. Schmitt, *The Concept of the Political*, *op. cit.*, p. 28; Freund, *L'essence du politique*, *op. cit.*, pp. 445-447.
27. Schmitt, *The Concept of the Political*, *op. cit.*, p. 35.
28. *Ibid.*, p. 30.
29. Freund, *L'essence du politique*, *op. cit.*, p. 446.
30. See Freund, *L'aventure du politique*, *op. cit.*, pp. 73-118. For an exploration of these original activities, see Julien Freund's *Politique et impolitique* (Paris: Sirey, 1987), pp. 229-392; *Philosophie et sociologie* (Louvain-La-Neuve: Cabay, 1984); *Philosophie philosophique* (Paris: La Découverte, 1990), pp. 200-255; and *L'essence de l'économique* (Strasbourg: Presses Universitaires de Strasbourg, 1993).
31. In the fall of 1948, Paul Ricoeur was appointed, along with Georges Gusdorf, to teach at the Department of Philosophy of the University of Strasbourg, where he stayed for eight years (until he was called to the Sorbonne, in 1956). He replaced Jean Hyppolite and Gusdorf replaced Canguilhem. See Paul Ricoeur, *La critique et la conviction, Entretiens avec François Azouvi et Marc de Launey* (Paris: Calmann-Levy, 1995), pp. 38-48.
32. Freund, *L'aventure du politique*, *op. cit.*, p. 36.
33. Freund, "Autobiographie intellectuelle," *op. cit.*, p. 29.
34. Freund, "Autobiographie intellectuelle," *op. cit.*, p. 29.
35. See Olivier Beaud, *Les derniers jours de Weimar. Carl Schmitt face à l'avènement du nazisme* (Paris: Descartes et Cie, 1997). See also Pasquale Pasquino, "Etat de droit et démocratie. A propos de la *Verfassungslehre* de Carl Schmitt," in *Cahiers de philosophie politique et juridique de l'Université de Caen*, No. 24 (1993), pp. 95-108.

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liberalism and parliamentary democracy,[36] but Schmitt still hoped that an authoritarian power would emerge to rescue the Weimar Republic and oppose Nazism — something like an "emergency dictatorship."[37] Here, Schmitt proved to be a follower of Max Weber,[38] and picked up the positive reference to a "plebiscitary democracy."[39]

As Beaud notes, Schmitt's "neo-absolutism" is based on an "apology and a defense of *raison d'État*, i.e., the radical autonomy of political power from law and morality," which is reminiscent of Weber's thought.[40] As Aron never stopped emphasizing (in the double sense of autonomy in relation to the economy and morality), it is not absolute autonomy.[41] On the one hand, the principle of autonomy of the political sphere challenges Marxist reductionism — which, "in the last instance," reduces politics to the (economic) structure — without thereby ruling out political explanations in terms of various social factors. On the other hand, this principle implies that it is necessary to accept and analyze "politics as such, irreducible to morality," and independently of "good intentions": "To think politics means to focus on the actors, i.e., to analyze their decisions, their aims, their means, and their mental universe."[42] This presupposes that political actors must subscribe to the ethics of responsibility in making choices and decisions, aware of the possibility that these decisions may

36. See Carl Schmitt, *La dictature* [1921, 1928], tr. by Mira Köller and Dominique Séglard (Paris: Le Seuil, 2000); *Théologie politique 1922,* 1969, tr. by Jean-Louis Schlegel (Paris: Gallimard, 1988); *Parlementarisme et démocratie*, preface by Pasquale Pasquino, tr. by Jean-Louis Schlegel (Paris: Le Seuil, 1988); *Légalité et légitimité*, tr. by William Gueydan de Roussel (Paris: L.G.D.J., 1936). Repris dans Carl Schmitt, *Du politique. Légalité et légitimité et autres essais*, textes choisis et présentés par Alain de Benoist (Paris: Puiseaux, Éditions Pardès, 1990), pp. 39-79.

37. See Bondy, "Carl Schmitt: juriste ou légiste," *op. cit.*, p. 1111.

38. In 1919-1920, Schmitt had attended Weber's seminars. See Stefan Breuer, *Anatomie de la Revolution conservatrice* [1993], tr. by Olivier Mannoni (Paris: Editions de la maison des sciences de l'homme, 1996), p. 84.

39. See Freund, preface to Schmitt, *La notion du politique*, *op. cit.*, p. 10. About relations between Weber and Schmitt concerning political thought, see Wolfgang Mommsen, *Max Weber et la politique allemande 1890-1920* [1959], tr. by Jean Amsler *et al.* (Paris: PUF, 1985).

40. See Olivier Beaud, "La critique de l'État de droit chez Carl Schmitt," in *Cahiers de philosophie politique et juridique de l'Université de Caen*, No. 24 (1993), pp. 120-121. On the relation between Weber and Schmitt, see Philippe Raynaud, *Max Weber et les dilemmes de la raison moderne* (Paris, PUF, 1987), pp. 180-184, 213. For Freund's review of Raynaud's book, see *L'Année sociologique* (Paris, PUF, 1989), pp. 309-316.

41. See Jean-Claude Casanova, "Raymond Aron et la politique française," in *Commentaire*, Vol. 8, No. 28-29 (Winter 1985), pp. 266-267.

42. Aron, *Mémoires*, *op. cit.*, pp. 79-80.

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have unintended consequences.

Both Aron and Freund acknowledge their Weberian heritage. To sense the irreducible uncertainty of those who decide and accept the consequences of their actions and decisions means to realize that risk is inherent in politics. Freund bases the autonomy of the political on his phenomenological analysis of various human activities, of which the essence of politicals is the first. Thus, in his own way, he subscribed to the tradition of political realism of Weber, Schmitt, and later Aron, and developed it further.

Until 1932, Schmitt had not expressed any sympathy for the Nazis. Yet in 1933, shortly after Hitler took power, he joined the Nazi Party. In May 1933, he became a key figure in the Nazi Association of University Jurists, before becoming editor of the official organ of German jurists, the *Deutsche Juristen-Zeitung* in 1934. On August 1, 1934, a month after the "Night of the Long Knives" (the bloody liquidation ordered by Hitler, Röhm, and the SA staff during the night of June 29-30, 1934), Schmitt published an article with the unambiguous title: "The Führer Protects the Law." Subsequently, he went as far as to justify the Nuremberg racial laws (1935), calling them "the constitution of freedom." On October 4, 1936, at the conclusion of a conference for Nazi lawyers concerning "Judaism in Legal Science," he delivered a lecture, published two weeks later under the title "German Legal Science in its Struggle with the Jewish Spirit." It is an anti-Semitic text, which closes with a quote from *Mein Kampf*: "By defending myself against the Jews, I am contributing to the Lord's work."

These numerous indications of ideological and political support for the Nazi regime did not prevent Schmitt from becoming the target of attacks in the SS organ, *Das schwarze Korps*, in December 1936.[43] The threats led him to retire from public life and to devote himself to the history of political ideas and political theory, which still betrayed anti-Semitic convictions. Thus, in 1938, Schmitt published the *Leviathan in the State Theory of Thomas Hobbes*.[44] Freund reports that some of Schmitt's students claimed that they had seen this book as an "invitation to break with the ruling Nazi regime." Yet, as Yves Charles Zarka points out, the recurrent use of the adjective "Jewish" to identify any author of

43. The article "brutally urged Schmitt to remain silent or risk other severe punishments" (Freund, "Vue d'ensemble sur l'oeuvre de Schmitt," *Revue européenne des sciences sociales, Cahiers Vilfredo Pareto*, Vol. XVI, n. 4 (1978), p. 7). About Schmitt's writings during the Nazi era, see Freund, *ibid.*, pp. 31-34.

44. Carl Schmitt, *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*, tr. by George Schwab and Erna Hilfstein, foreword and introduction by George Schwab (Westport, CT and London: Greenwood Press, 1996).

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Jewish origin is striking: "a Jewish scientist, Leo Strauss," "the first liberal Jew . . . Spinoza," "the Jew Moses Mendelssohn," as well as a comment like: "Stahl-Jolson works here from the perspective of his people, in the duplicity of a concealed existence. . . . " Schmitt's work should not be dismissed because of his pro-Nazi engagement between 1933 and 1936, which was followed by a period during which he played the role of a Nazi fellow-traveler. On the other hand, the relevance of this engagement should not be concealed or minimized because of the importance of his work. Also, in his post-war writings there are no clear condemnations of his transgressions between 1933 and 1936, nor any statements rejecting the anti-Semitism he had publicly advocated.[45] So, one could criticize Freund, a great admirer of Schmitt's thought, who later became a friend of Schmitt the man, because he somehow underestimated or minimized the intensity and the importance of Schmitt's support of Nazism.[46]

Yet, in 1972, in his preface to the French translation of *The Concept of the Political*, Freund discussed Schmitt's "involvement with the Nazi regime."[47] Later, he recognized that "in various studies and articles, Carl Schmitt has articulated all aspects of the theory of the new power, including anti-Semitism."[48] Thus, under no circumstances[49] should Freund be accused of having consciously hidden or tampered with the facts related

45. Examples of anti-Jewish statements in Schmitt's private correspondence are reported by his French translator and friend (who had been a Nazi collaborator), William Gueydan de Roussel. Worried about the attacks against him, in particular from Georges Gurvitch, because in 1936 de Roussel had translated *Legalität und Legitimität*, Schmitt wrote him: "You are on the right track, because the Jews attack you." In April 1956, in a letter to his friend who had fled to Argentina, Schmitt wrote: "Poor Leon Bloy is nothing but a front for the propaganda of the Jewish firm Raissa Maritain." See "Carl Schmitt, philosophe catholique et confesseur," in *Eclectica*, n. 84-85, "Schmittiana-III," pp. 54 and 56.

46. On Schmitt's political thought and commitment, see André Doremus, "Introduction à la pensée de Carl Schmitt," in *Archives de philosophie* 45 (October-December 1982), pp. 586-665, and his introduction, commentaries, and notes to Carl Schmitt, *Ex captivate Salus. Expériences des années 1945-1947*, tr. by André Doremus (Paris: Vrin, 2003).

47. Freund, preface to Schmitt's *La notion du politique*, *op. cit.*, p. 8.

48. *Ibid.*, p. 11. For more details, see André Doremus, "Esquisse pour une mise en perspective des rapports entre Carl Schmitt et le régime hitlérien," in Louis Dupeux, *La "révolution conservatrice" dans l'Allemagne de Weimar* (Paris: Kimé, 1992), pp. 303-314.

49. In his preface to Schmitt's *Leviathan* book, Etienne Balibar, a Stalinoid, dares to accuse Aron of letting pass "a preface by Julien Freund, who, thanks to omissions and calculated distortions, tended to exonerate Schmitt from having supported the Nazis and made him look like a victim." (*Op. cit.*, p. 52, n. 4). This is a malicious interpretation of Freund's preface. But, Balibar is shamefully unaware of the anti-Jewish rhetoric. There are numerous signs of it in Schmitt's book, for which he writes a preface without ever mentioning it. See Yves Charles Zarka, "Carl Schmitt, nazi philosophe?" in *Le Monde* (December 6, 2002); and "Carl Schmitt, le nazi," in *Cités*, No. 14 (2003), pp. 161-163.

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to Schmitt's engagement with the Nazis. Freund, followed by Aron, may have been guilty of excessive generosity toward a man they both considered to be a first rate thinker who, in their opinion, as a committed anti-Nazi, could not have been a fervent Nazi.[50] Yet, he was one, just as György Lukács, whose work also deserves admiration, was a fervent and fussy Stalinist, even though he was aware of totalitarianism's criminal nature. Too much admiration and generosity led the lucid Aron to claim naively that Schmitt "was a highly learned man and could not have supported Hitler — and never did."[51] This is a common illusion. Others said the same about Martin Heidegger, Carl Gustav Jung, or Gottfried Benn.[52] The historical truth is entirely different. Culture does not necessarily imply a taste for freedom: the intelligentsia does not always stand on the side of political and intellectual liberalism.

Even though Freund was dismayed by the vague and incomplete information about Schmitt's political choices, after 1952 he continued to read and reread the works of a political theoretician whom he never ceased to admire. In 1959, after he read *The Concept of the Political* one more

50. In a conference published on July 20, 1985 on the occasion of Schmitt's death, a scholar of Judaism, Jacob Taubes (1923-1987), suggested another way of looking at Schmitt: "Even though I am a devout Jew, I would like to express my respect for Carl Schmitt, an old mind, still alert at the end of his life; I belong to those he called 'enemies'. . . Between 1933 and 1938, Carl Schmitt was the spokesman for the Manichean ideology of National Socialism which mythologized Jews, portraying them as the destroyer of the Aryan race." See "Carl Schmitt, un penseur apocalyptique de la contre-revolution," in Jacob Taubes, *La théologie politique de Paul: Schmitt, Benjamin, Nietzsche, Freud*, tr. by Mira Köller and Dominique Séglard (Paris: Le Seuil, 1999), p. 153. See also Jacob Taubes, *En divergent accord. A propos de Carl Schmitt*, tr. by Philippe Ivernel (Paris: Payot & Rivages, 2003), pp. 25-26.

51. Raymond Aron, *Mémoires* (Paris: Julliard, 1983), quoted in Bondy, "Carl Schmitt: juriste ou légiste," *op. cit.*, p. 1112. See also Manent's critical remarks in "Entretien sur le pouvoir," *op. cit.*, p. 1099.

52. See Bondy, *op. cit.*, p. 1110. In 1959, Habermas added Ernst Jünger to the list of great German cultural figures. See "Une influence majeure," in Jürgen Habermas, *Profils philosophiques et théologiques*, tr. by Françoise Dastur, Jaen-René Ladmiral, and Marc de Launay (Paris: Gallimard, 1959), p. 108. This is a factual error compounded by a false interpretation of Jünger's intellectual and political evolution. For an analysis of Jünger in relation to the German "conservative revolution," see Louis Dupeux, *National Bolchevisme. Stratégie communiste et dynamique conservatrice* (Paris: Honoré Champion, 1979), 2 vols. On Jünger and Nazism, see Julien Hervier, *Deux individus contre l'histoire: Pierre Drieu la Rochelle, Ernst Jünger* (Paris: Klincksieck, 1978), pp. 1978 and 127-133; Julien Hervier, "Nazisme et littérature: les figures du mal dans l'oeuvre romanesque de Ernst Jünger," in Louis Dupeux, ed., *La "Révolution conservatrice" dans l'Allemagne de Weimar*, *op. cit.*, pp. 353-359. Although Jünger theorized in his own way about German nationalism, he never compromised with the Nazis, whom he publicly criticized after 1926: he declined Goebbel's 1931 offer to join the Nazi Party; in 1933, he declined to become a member of the newly-created Dichter-Akademie, etc.

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time, he thought that if Machiavelli were still alive he would do anything to meet him. He then decided to write a letter to Schmitt, basically telling him that even though they made opposite political choices ("I was in prisons and in the camps, while you were on Hitler's side"), he nevertheless recognized the importance of his thought. Schmitt answered three weeks later, in April 1959: "I thank you and I am glad that a French intellectual reads my work. I will not discuss your judgment of my person, simply because your information is wrong and that is it."[53] Rather than trying to justify himself by responding to his critics, after WWII Schmitt chose to retire and remain silent.[54] Yet, he was willing to enter into a discussion with his young admirer, a former resistance fighter.

They met in June of the same year in Colmar. As Freund asked the "fundamental questions," Schmitt answered unambiguously from 4 to 11 p.m. In August 1988, Freund wrote about that decisive meeting: "The discussion was uncompromising and honest. . . . We had become friends."[55] Schmitt's intellectual power of seduction had worked.[56] His thought confirmed Freund's conviction that the essence of the political resides in the conflictual dimension. In 1972, Freund summarized Schmitt's concept of the political as follows: "The specific and fundamental relation, which cannot be deducted from any other relation and into which every activity and political motive can be reduced, is the relation between friend and enemy. . . . All in all, the criterion of the political is the possibility for any opposition to evolve into an extreme conflict with enemies."[57]

In 1970, Freund founded the Institute of Polemology at the University of Human Sciences in Strasbourg, where he was teaching sociology. There, he ruminated on the friend-enemy relation as a criterion of politics,[58] but also, beyond Schmitt, as one of the three presuppositions for politics interpreted as "conditions for the possibility of a determined

53. Freund, *L'aventure du politique*, *op. cit.*, p. 51.

54. In 1972, Freund cited an interview with Jens Litten, published two years earlier, where, in discussing his compromise with Nazism, Schmitt acknowledged that he had "sinned and then was finished." See Freund's preface to *La notion du politique*, *op. cit.*, pp. 12-13.

55. Freund, "Autobiographie intelletuelle," *op. cit.*, p. 30.

56. On Schmitt as a person, his way of thinking, of being and doing, see Nicolaus Sombart in *Chronique d'une jeunesse berlinoise (1933-1943)*, tr. by Olivier Mannoni (Paris: Quai Voltaire, 1994), pp. 21-23, 303-336 ("Promenades avec Carl Schmitt"); and his *Les Mâles vertus des Allemands. Autour du syndrome Carl Schmitt*, tr. by Jean-Luc Evrard (Paris: Editions du Cerf, 1999).

57. Freund, preface to *La notion du politique*, *op. cit.*, pp. 22-23.

58. See Julien Freund, *Sociologie du conflit* (Paris: PUF, 1983), pp. 172-176.

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essence."[59] As a philosopher, political scientist, sociologist, and intellectual historian, Freund finally found in the study of war the science he wanted to develop. In 1976, he wrote: "What I call war studies is not the study of the science of war and peace, but of conflict in general, used in the sense of the Heraclitean *polemos*."[60]

In the 1970s, while working with the polemologist Gaston Bouthoul,[61] Freund became interested in the interaction between utopianism as a project to radically transform social and human issues, and violence as something supposedly "regenerative" or proposed as a necessary means to reach revolutionary goals within the context of an ideology (Marxism-Leninism being the best example in the 20th century).[62] This entailed complicity between terrorism and utopianism: those who dream of a "better world" are often killers in this one. Moreover, they become killers with an unfailing good conscience: do they not consider themselves to be the bearer of all good or as part of the movement toward perfection?

That is why Freund was ironic in his critical analysis of "pacifists," who become all the more sectarian when they claim to defend "humanitarian" ideals. Irony is a peaceful virtue, unknown to serious professionals who constitute the troops of the peace-loving, humanitarian side. Thus, pacifists monopolize the dedication to peace, always choose their side, and line themselves up against designated "enemies of peace." The enemy returns through the back door in diabolic guises. Demonizing the enemy is the price paid by those who ignore the opposition between friend and enemy. Therefore, wars of extermination against the embodiment of evil are fought in the name of sublime goals (eternal peace, universal fraternity, etc.). Bouthoul put it ironically:

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59. Freund, *L'essence du politique*, *op. cit.*, p. 84. See Piet Tommissen, "Contributions de Carl Schmitt à la polémologie," in *Revue européenne des sciences sociales. Cahiers Vilfredo Pareto*, Vol. XVI, No. 44 (1978), pp. 155-156.

60. Julien Freund, "Observations sur deux catégories de la dynamique polémogène. De la crise au conflit," in *Communications*, No. 25 (1976), p. 112.

61. In the 1970s, Freund began collaborating with the journal *Etudes polémologiques*, which, following *Guerre et paix* (with which he had collaborated in 1967 and 1968), was founded in July 1971 by Gaston Bouthoul (1896-1980). See Julien Freund, "Polémologie, science des conflits," in *Etudes polémologiques*, No. 4 (April 1972), pp. 22-29. Several months after Gaston Bouthoul's death, Freund dedicated two articles to him: "Gaston Bouthoul, sociologue de la guerre et de la paix," in *Etudes polémologiques*, No. 24 (June 1981), pp. 25-39; and "Le fond de la pensée de Gaston Bouthoul," in *ibid.*, pp. 40-43.

62. Freund, *Le nouvel âge*, *op. cit.*; and *Utopie et violence* (Paris: Marcel Rivière, 1978).

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"The most demanding pacifists need to entertain the possibility of legitimate combat."[63] The sociologist Freund noticed that "the worst wars are fought in the name of ideal perfection, of the optimum" and, as a philosopher, concluded that "the idea of the perfect good is polemological, which means that it is a source of conflict. Some peace proclamations are nothing but war declarations."[64]

On June 26, 1965, at the Sorbonne, in front of a packed audience, Aron introduced the candidate about to defend his dissertation by praising him profusely: "I would like to pay tribute to Mr. Freund, who will defend a thesis which I find brilliant, but I also wish to point out that he is a partisan. It is extraordinary that a partisan could have written such a thesis. That is why I would like to ask you to stand up."[65] Although Aron had read only the first draft, he thought very highly of it. In February 1960, he had confided to Freund that he (Aron) "may have wanted to do it differently, but in the same spirit."[66] He also added: "You will be criticized, but they will not be able to erase the experience that feeds your ideas. Avoid ideology! Avoid ideology!"[67] Familiar with the prejudices of his time, Aron thought it great that "a true partisan could have written a thesis on politics in the way you have presented it to me, without idealizing a reality which remains what it is."[68]

It was impossible to separate the philosopher from the man known for his courageous commitment. His war experiences taught him some lessons. They tended to result in a profound disillusion, but not a paralyzing despair. Rather, they paved the way toward a realistic vision of the political. As early as January 1941, Freund collaborated with his professor, Jean Cavailles, in the resistance group "Liberation" in Clermont-Ferrand, where he had run.[69] In January 1942, he joined "Combat," led by Jacques Renouvin. He was then jailed in Clermont-Ferrand (June

63. Gaston Bouthoul, *Lettre ouverte aux pacifistes* (Paris: Albin Michel, 1972), p. 25. Quoted by Freund, *Politique et impolitique*, *op. cit.*, p. 160.

64. Freund, *L'aventure du politique*, *op. cit.*, p. 160.

65. *Ibid.*, p. 44.

66. Aron, quoted in Freund, "Raymond Aron," *op. cit.*, p. 56. See also Nicolas Baverez, *Raymond Aron. Un moraliste au temps des idéologies* (Paris: Flammarion, 1993), p. 325.

67. Aron, quoted in Freund, "Raymond Aron," *op. cit.*, p. 56; Baverez, *Raymond Aron*, *op. cit.*, pp. 325-326.

68. Aron, quoted in Freund, "Raymond Aron," *op. cit.*, p. 56; Baverez, *Raymond Aron*, *op. cit.*, p. 325.

69. Freund was taken hostage by the Germans in 1940 (when he was only 19), but managed to escape.

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1942),[70] in Lyon (September 1942), and finally, after various camps, in the fortress of Sisteron, from which he escaped on June 9, 1944. He became a sniper (FTP de la Drome),[71] then, after returning to Strasbourg in November 1944, participated in the Liberation, which also meant settling scores and returning to political mediocrity.[72]

In early summer 1946, these real-life experiences, which in some cases had been terrifying and disappointing, led Freund to concentrate on philosophy, in order to deal with politics in ways other than actions. This may have been a way to heal himself, and it helped him while preparing for his teaching exams to abandon the moralizing and utopian illusions that had prevented him from tackling the question of the essence of politics. What was important was not to waste time in an endless criticism of the world order, but to wonder about the diversity of human experience and to admire the great masters. This admiration provided an incentive to think. Reading Aristotle at age 28[73] led him to reject idealist nonsense, especially German idealism. In the early 1950s, reading Machiavelli reinforced his anti-Platonist or anti-utopian orientation.[74] Another greatly-admired master, Max Weber, who was introduced to him by Aron's pioneering work,[75] showed him the path to a realistic approach to politics. He avoided dealing speculatively with the relation between state power and violence, but a sense of tragedy was integral to the most demanding effort to theorize. In 1935, Aron did not hide his admiration for Weber: "As a scientist, he pointed out the direction sociology should

70. Careful not to draw attention, Freund enrolled as a full-time student in philosophy at the University of Strasbourg, where, supervised by Martial Guéroult, he prepared his dissertation on "the practical role of ideas in Kant." At night, he was a partisan.

71. The Francs-Tireurs et Partisans (FTP) was a communist resistance organization (1941-1945). Concerning that experience, Freund wrote: "There, I lived a communist life with a daily hour of mandatory Marxism-Leninism. We fought against the Germans, but I also saw the acts of injustice committed on the eve of the Liberation. . . . I detested everything Hitler did. But now I saw that innocent people were being killed. . . . And I was even threatened to be shot because I defended some of them. . . . I was taught communist exclusivism, which did not stop for anything." See *L'aventure du politique*, *op. cit.*, p. 31.

72. See Freund, *Autobiographie intellectuelle, op. cit.*, p. 13-16. After the Liberation and his discharge in June 1946, Freund was departmental secretary of the Democratic and Socialist Union of the Resistance (UDSR), and saw for himself the maneuvers, the bargaining, the moral misery, and the bureaucratic stupidity of the world of politics.

73. Freund, *Autobiographie intellectuelle*, *op. cit.*, p. 29; Freund, *L'aventure du politique*, *op. cit.*, pp. 36-37.

74. Freund, *Autobiographie intellectuelle*, *op. cit.*, p. 29; Freund, *L'aventure du politique*, *op. cit.*, p. 35.

75. See Raymond Aron, *La sociologie allemande contemporaine* (Paris: Félix Alcan, 1935), pp. 97-154 (Ch. III, "Max Weber").

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follow. As a philosopher, he remains a master for those who place above everything else true knowledge of ourselves and of the world in which we have to live."[76] Again thanks to Aron,[77] a master whom he greatly admired,[78] the young Freund discovered Georg Simmel. Thus, after translating several of Weber's essential works,[79] Freund wrote several brilliant works on Simmel as a sociologist of conflict.[80]

Later, Freund integrated another "Machiavellian,"[81] Vilfredo Pareto, into his personal list of classical thinkers.[82] Freund was able to identify with Pareto's views, in particular that "all governments use force and all

76. *Ibid.*, p. 154.

77. See Aron's complementary treatise, *Essai sur la théorie de l'histoire dans l'Allemagne contemporaine. La philosophie critique de l'histoire* (Paris: Vrin, 1938).

78. After Aron's death, Freund wrote several articles on him: "Raymond Aron, un esprit juste," in *Professions et entreprises*, Vol. XXCVII, No. 720 (Nov-Dec. 1983), p. 48; "Raymond Aron et la droite," in *L'Analyste*, Vol. II, No. 5 (Spring 1984), pp. 53-58; "Raymond Aron ou les avatars d'une pensée lucide," in *Revue européenne des sciences sociales*, Vol. 22, No. 66 (March 1984), pp. 7-9; and "Raymond Aron," *op. cit.*

79. Max Weber, *Le savant et le politique*, tr. by Julien Freund, intro. by Raymond Aron (Paris: Plon, 1959); Freund also contributed to the partial translation of Weber's great work, *Economie et société* (Paris: Plon, 1971), Vol. 1. He wrote the entry "Max Weber" in *Encyclopaedia Universalis* (Vol. 16, 1973, pp. 973-975), as well as a large number of articles on Weber's thought. See his "Max Weber fut-il un libéral?" in *L'Année sociologique*, Vol. 38 (1988), pp. 343-357. Freund also prefaced Philippe Fritsch's French translation of Weber's *La ville* (Paris: Aubier, 1982), pp. 7-16. See also Julien Freund, *Sociologie de Max Weber* (Paris: PUF, 1966), and *Max Weber* (Paris: PUF, 1969); and his *Etudes sur Max Weber* (Geneva: Droz, 1990), and *D'Auguste Comte à Max Weber* (Paris: Economica, 1991).

80. Georg Simmel, *Sociologie et épistémologie*, tr. by I. Gasparini (Paris: PUF, 1981), with "Introduction à Georg Simmel" by Julien Freund (pp. 7-78); Georg Simmel, *Le Conflit*, tr. and prefaced by Julien Freund (Saulxures: Circé, 1992). See also Julien Freund, "Le rôle du tiers dans les conflits," in *Etudes polémologiques*, Vol. 5, No. 17 (July 1975), pp. 11-23; Freund, *Sociologie du conflit*, *op. cit.*, Ch. I and V; Julien Freund, *Philosophie et sociologie* (Cabay-Louvain: Academia, 1987), pp. 313-353; Freund, "La théorie de la forme de Simmel éclairée par ses conceptions esthétiques," in *Sociétés*, Vol. 2, No. 6 (Nov. 1986), pp. 8-10; Freund, preface to Patrick Watier, ed., *Georg Simmel. La sociologie et l'expérience du monde moderne* (Paris: Kimé, 1989), pp. i-iv; Freund, "De Max Weber à Georg Simmel," in *Sociétés*, No. 37 (1992), pp. 217-224.

81. See James Burnham, *Les Machiavéliens défenseurs de la liberté* (1943), tr. by Hélène Claireau (Paris: Calmann-Lévy, 1949), (on Machiavelli pp. 39-88; on Pareto, pp. 185-238). In the late 1930s, Aron became very interested in the relation of "Machiavelli's Machiavellianism" and "modern Machiavellianism," or "20th century Machiavellianism" — his critical reading of Pareto. See Raymond Aron, *Machiavel et les tyrannies modernes* (Paris: Editions de Fallois, 1993), pp. 86-122, 192-202, and 275-279.

82. Freund was inspired by Vilfredo Pareto's *Théorie de sociologie générale* (Paris: Seghers, 1974) for the "radical critique of ideology" in *L'essence du politique*, *op. cit.*, pp. 415-418. Earlier, Pareto's student, Georges-Henri Bousquet, had tried unsuccessfully to introduce Pareto's thought in France. See his *Précis de sociologie d'après Vilfredo Pareto* (Paris: Payot, 1925); and *Vilfredo Pareto. Sa vie et son oeuvre* (Paris: Payot, 1928).

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pretend to be founded on reason."[83] In France, Pareto's thought long had been ignored. It was considered suspect rather than seriously discussed.[84] He began to be recognized thanks to Aron's pioneering work,[85] followed by Freund's.[86] It should be recalled that anyone who publishes an "anti-Machiavellian" treatise, while following or secretly advocating *The Prince*'s precepts, is as Machiavellian as Machiavelli.[87] Of the four possible interpretations of Pareto's thought that Aron distinguished in 1974 (fascist or Darwinian; Machiavellian or authoritarian; liberal Machiavellian; skeptic or cynical),[88] Freund's thought is reminiscent of the third, the "liberal Machiavellian." This is a way of continuing Pareto's heritage, along with Weber's. The demystification of political ideologies and propaganda became one of Freund's tasks — those of a scientist and a lucid intellectual, unwavering in midst of so many blind people intoxicated by the desire to conform or to go with the flow. Later he wrote: "As a Machiavellian, I tried in different studies to identify the deceptive and Machiavellian aspects of politics, such as ideology or utopianism, which are nothing but bait to catch minds."[89] Recall here Franz Kafka's words:

83. Pareto, *Traité de sociologie générale*, *op. cit.*, Vol. II, §21, pp. 831 and 1395 (quoted by Freund, *L'essence du politique*, p. 706).

84. See Giovanni Busino, "La destinée de la sociologie parétienne en France," in *L'année sociologique*, Vol. XVI (1991), pp. 205-227.

85. See Raymond Aron, "La sociologie de Pareto," in *Zeitschrift für Sozialforschung*, Vol. VI (1937), pp. 489-521; Raymond Aron, *Les étapes de la pensée sociologique* (Paris: Gallimard, 1967), pp. 407-496; preface to the 1968 edition of Pareto's *Traité de sociologie générale*, in *Oeuvres complètes*, ed. by Giovanni Busino, Vol. XII (Paris: Droz, 1968), pp. vii-xxviii. Busino, another Pareto scholar, facilitated the publication of numerous studies on Pareto and others like him. See Giovanni Busino, *Histoire et société en Italie* (Geneva: Droz, 1968), pp. 179-200. The first issue of *Cahiers*, in 1963, opened with an essay by Aron, "La signification de l'oeuvre de Pareto," and subsequently Freund published there a number of articles: "Le précis de sociologie de Bousquet" (No. 27, 1972), "L'idéologie chez Max Weber" (No. 30, 1973), "Pouvoir et personne" (No. 34, 1974), "Une interprétation de Georges Sorel" (No. 36, 1975), "Vue d'ensemble sur l'oeuvre de Carl Schmitt" (No. 44, 1978), etc.

86. See Freund's review of Busino's book in *Counterpoint* 16 (November 16, 1974), pp. 157-160, which opens with the exclamation: "Finally, a happy surprise!" More recently, there have been new readings of Pareto in France. See Raymond Boudon, "Vilfredo Pareto: rationalité ou irrationalité des croyances?" in Raymond Boudon, *Etudes sur les sociologues classiques II* (Paris: PUF, 2000), pp. 163-200; and Alban Bouvier, ed., *Pareto aujoud'hui* (Paris: PUF, 1999).

87. See Freund, preface to *La notion du politique*, *op. cit.*, p. 8. See also Freund, "La double morale" (1981), in *Politique et impolitique*, *op. cit.*, pp. 243-247, and the appendix to the 3rd ed. of *L'essence du politique* (1986), pp. 818-819.

88. Raymond Aron, "'Lectures' de Pareto," in *Counterpoint* 13 (February 1974), pp. 189-191.

89. Freund, "Autobiographie intellectuelle," *op. cit.*, p. 31.

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"Only the individual who goes against the flow is decisive."

Freund's disappointment after the war gave him an opportunity to reflect profoundly on the foundation, goals, and limits of political action. But his thought already had been strongly "affected by the general failure to take responsibility after the 1940 defeat." [90] In his thesis defense, he ignored academic conventions, and began by saying: "The work I am honored to present for your approval comes from a disappointment I have overcome. This disappointment, for which I do not hold anyone responsible, except my propensity for illusions, was fed by my experiences during the Resistance, i.e., first by the events that occurred during the Occupation and the Liberation, then by those I experienced in the modest sphere of political and union activity which I was involved with for a few years."[91]

During the summer of 1944 Freund, then 23, had his most painful experience as a communist resistance fighter (within the FTP). He saw how great causes and noble ideals could become instrumentalized by a desire for revenge. In his eyes, courageous partisans, his comrades-in-battle, became revolting mercenaries. This is how he recalled this "tragic tale," a precursor of the false accusations and atrocities committed during the period of purification, but also a symbol for the crimes perpetrated under the cover of moral and political pseudo-justifications (in this case, the crimes inspired by the Stalinist regime): "The FTP leader had a mistress who was a teacher in a village close to our camp, near Lurs. A pretty girl, about 23 or 24, she decided to break up with him. Seeking revenge, our leader accused her of supporting the Gestapo. He convinced most of his comrades in the FTP that the girl had gone to the Gestapo in Digne to denounce him. We arrested the young woman at six o'clock in the evening and immediately formed a 'people's court,' with a prosecutor and three judges to try her. Then I asked: 'Where is her lawyer? We are not going to continue the same way Hitler does. We need a lawyer.' I decided to play the lawyer's role. During my speech, I asked a question: 'If we claim that she went to the Gestapo in Digne, how do we know it is true, if we have no relation with the Gestapo in Digne?' It was awful. She was innocent, but was sentenced to death. There was this night of horror, when the partisans raped her in the barn. At dawn, she was executed on a hill called Stalingrad. Next to our camp there was a little brook. In the morning, as I was washing my face, I heard the gunfire. They had asked for

90. Julien Freund, "Propos apparemment incongrus sur décadence et mutation," in *Actions et recherches sociales* (December 1986), p. 65.

91. Quoted by Freund, *L'aventure du politique*, *op. cit.*, p. 45.

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volunteers. I was the only one who did not go. After such an experience, one no longer can look at the face of humanity in the same way. From then on, I began thinking about this morality, which people spoke of, despite the horrible acts they were able to commit."[92]

Freund's philosophical interest in the essence of politics, just beyond Left and Right,[93] was rooted in his reflections on "man's historical experience"[94] and in his own adventures and misadventures during WWII, i.e., at a time when the main division consisted merely of the opposition between friend and enemy, exposing the truth of the political. Indeed, if one follows Clausewitz's proposition, i.e., that "war is simply a contunuation of political intercourse, with the addition of other means,"[95] then one also can follow Schmitt when he says "War, as the most extreme political means, discloses the possibility which underlies every political idea, namely, the distinction of friend and enemy." This makes sense only as long as this distinction in mankind actually is present or at least potentially possible."[96] Confronted with Nazism, liberal politics, which simultaneously uses the yes and the no, revealed itself to be anti-political.[97] Schmitt's fundamental lesson, developed by Freund, is this: the political can exist only if there is an enemy, and political sense can be recognized by its ability to envision the worst case scenario.[98]

As Schmitt showed, the liberal tendency to neutralize and depoliticize

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92. Freund, *L'aventure du politique*, *op. cit.*, p. 32. See also Freund, "Autobiographie intellectuelle," *op. cit.*, p. 15.

93. Freund, *L'aventure du politique*, *op. cit.*, pp. 33-34. Freund recognizes that "men have the need to classify others," but refuse to attribute the smallest conceptual value to the Left/Right type of classification: "The division of Left and Right . . . does not have a specific meaning that would allow one to characterize the essence of politics." (*Ibid.*, p. 34). See also the appendix to the 3rd ed. of *L'essence du politique*, *op. cit.*, pp. 824-826. According to Freund, the cleavage between Left and Right, a condition for the existence of the "progressives" (hence of the left), allows the latter to throw in the "garbage of history" all those who do not follow their dogmas, among which egalitarianism is most charged with passions, sad passions (envy, resentment, vengeance, etc.).

94. Freund, *L'aventure du politique*, *op. cit.*, pp. 34.

95. Carl von Clausewitz, *On War*, ed. and tr. by Michael Howard and Peter Paret (Princeton: Princeton University Press, 1989), p. 605. See also Freund, *L'Essence du politique*, pp. 590-595; "Guerre et politique de Carl von Clausewitz à Raymond Aron," in *Revue française de sociologie*, Vol. 17 (October-Décember 1976), p. 646. In this last article, reprinted in *Politique et impolitique* (pp. 140-149), Freund follows Aron's then recently published work, *Penser la guerre, Clausewitz* (Paris, Gallimard, 1976).

96. Schmitt, *The Concept of the Political*, *op. cit.*, pp. 35-36.

97. Freund, *L'aventure du politique*, *op. cit.*, p. 51.

98. See Julien Freund, "Les démocrates ombrageux," in *Contrepoint* 22-23 (1976), p. 110.

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is based on ignorance of the "specific distinction to which political actions and motives can be reduced,"[99] i.e., the discrimination between friend and enemy.[100] Freund extends Schmitt's critical analysis of "bourgeois liberalism," which is supposed to express a peculiar combination of moralism and economism. Yet, as a "political realist," Schmitt, as well as Hegel, challenged the moralizing critique of the political, as did then numerous thinkers associated with various strands of the German "conservative revolution," and rejected the thesis concerning the increasing primacy of economics over politics, considered to be a fatal process summarized in Walther Rathenau's famous formula: "Destiny today is not politics, but economics."[101] Schmitt suggested an alternative interpretation: "It would be more exact to say that politics continues to remain the destiny, but what has occurred is that economics has become political and thereby the destiny."[102] Freund adds: "The state remains the supreme political authority. Therefore, it is its duty to intervene whenever politics is threatened by religion, art, or economics."[103] It performs its ethical mission of protecting the citizens in terms of what Weber called the ethics of responsibility.[104] But if the state must at times intervene in economic problems, it cannot do so as an entrepreneur, because economic competence does not fall within its domain.[105] The distinction between different

99. See Carl Schmitt, "The Age of Neutralizations and Depoliticizations (1929)," in *Telos* 96 (Summer 1993), pp.130-142.

100. Schmitt, *The Concept of the Political*, *op. cit.*, p. 26.

101. On this thinker, admired by both Lenin and Spengler, and who was both an innovative industrialist and a great politician, see Paul Létourneau, *Walther Rathenau 1867-1922* (Strasbourg: Presses Universitaires de Strasbourg, 1995). The foreign minister in the second Wirth administration, Rathenau was murdered on June 24, 1922 by a group of right-wing extremists (which included Ernst von Salomon), who regarded him as the embodiment of the Weimar Republic. The tragic paradox is that Rathenau, a radical critic of liberalism seeking return of the "true German spirit," could be considered to be a theoretician of the German "conservative revolution." In his 1938 study on "doctrines of German nationalism," the eminent Germanist (and anti-Nazi militant) Edmond Vermeil identified Rathenau as one of the first theoreticians of the "German revolution," along with Thomas Mann, Hermann von Keyserling, Oswald Spengler, etc. See Edmond Vermeil, *Doctrinaires de la Révolution allemande (1918-1938)* (Paris: Nouvelles Editions latines, 1948), pp. 39-70 (on Rathenau, Mann, Keyserling), and pp. 71-109 (on Spengler). One of Rathenau's main works, *Contribution à la critique de notre temps* (1912), which had 25 editions until 1925, was partially translated into French, in an excellent bilingual edition with critical commentaries, *La mécanisation du monde*, tr. by Jérôme Vaillant (Paris: Aubier Montaigne, 1972).

102. Schmitt, *The Concept of the Political*, *op. cit.*, p. 78.

103. Freund, "Les lignes de force," *op. cit.*, p. 13.

104. On the concept of political responsibility, see Freund, *L'essence du politique*, *op. cit.*, pp. 688-695.

105. See Freund, *L'essence du politique*, 3rd ed., *op. cit.*, pp. 815-816.

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spheres of activity has to be respected. If a situation calls for it, the state must make the necessary political decisions, and should not have to worry about interfering with economic or social affairs: it can do so only as a political authority.[106] In this case, the state performs a political mission, which is to "protect the general good of the political unity."[107]

In 1932, Schmitt wrote: "Although liberalism has not radically denied the state, it has, on the other hand, neither advanced a positive theory of state nor on its own discovered how to reform the state, but has attempted only to tie the political to the ethical and to subjugate it to economics. It has produced a doctrine of the separation and balance of powers, i.e., a system of checks and controls of state and government. This cannot be characterized as either a theory of state or a basic political principle."[108] Liberal thought does not acknowledge that the state has an ethical mission. Owing to its moralism, it is doomed to accuse the state of being "an instrument of violence or a product of vice."[109] Sovereignty and parliamentary pluralism (which means a government by discussion — a typical liberal ideal) are incompatible,[110] at least if pluralism means "divided sovereignty."[111] Moreover, ignorance of the essence of politics feeds on obvious facts conveyed by "legal normativism" embodied in Hans Kelsen's thought, which presupposes that a norm always derives from another norm. According to Schmitt, normativism and the "legal imperialism" it implies would end up postulating a strictly administrative concept of the state, which "administers, but does not rule." Above all, this state would be unable to recognize the "exceptional situation," which implies the ability to make decisions.[112]

In 1922, Schmitt wrote: "Sovereign is he who decides on the exception."[113] Thus, the fundamental legal and political question can be formulated as follows: "Who decides?" This leads to the other question: "Who

106. Freund, "Les lignes de force," *op. cit.*, p. 13.
107. See Freund, *L'essence du politique*, *op. cit.*, p. 756.
108. Schmitt, *The Concept of the Political*, *op. cit.*, p. 61.
109. Freund, "Les lignes de force," *op. cit.*, p. 13.
110. See Carl Schmitt, "Ethique de l'Etat et Etat pluraliste" (1930), in Carl Schmitt, *Parlementarisme et démocratie*, *op. cit.*, pp. 131-150.
111. This expression was used by J. Bonn in a letter to Schmitt dated June 4, 1926. Quoted by Pasquino, preface to Schmitt, *Parlementarisme et démocratie*, *op. cit.*, p. 20.
112. See Jean-François Karvégan, "La critique schmittienne du normativisme kelsenien," in *Cahiers de Philosophie politique et juridique* [Presses Universitaires de Caen], No. 27 (1995), pp. 57-68.
113. Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, tr. by George Schwab (Cambridge, MA: The MIT Press, 1985), p. 5.

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is sovereign?" The decisionist principle can be stated as follows: "Every legal order is based on a decision. . . . Like every other order, the legal order rests on a decision and not on a norm."[114] Schmitt adds: "There exists no norm that is applicable to chaos. For a legal order to make sense, a normal situation must exist."[115] For Schmitt, this meant breaking up with the positivist and the normativist movement, challenging the depoliticization of the legal system that obtains within the "pure theory of law,"[116] and reviving the tradition of Bodin and Hobbes. Schmitt often quoted Hobbes' famous axiom "*auctoritas non veritas facit legem*" ("authority, not truth makes the law").[117] He recognized in Hobbes "the classic representative of a decisionist type of thinking," which claims that norms are not derived, but instituted. For Schmitt: "The concept of the state presupposes the concept of the political,"[118] which indicates that conflict always is possible.[119] Schmitt can then affirm: "The political is the most intense and extreme antagonism, and every concrete antagonism becomes that much more political the closer it approaches the most extreme point, that of the friend-enemy grouping."[120] In an article in which he pays tribute to Schmitt, Freund notes that: "He was the theoretician of the exceptional situation, who poses politically the validity of law, which may be the reason why jurists ignore him."[121]

Freund approaches politics as one of the great categories of human activity. Meant to "serve the collectivity,"[122] it "does not enjoy any privileges compared to other activities (economic, artistic, moral or scientific)

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114. *Ibid.*, p. 10.
115. *Ibid.*, p. 13.
116. See Hans Kelsen, *Théorie pure du droit*, tr. by Charles Eisenmann (Paris: Dalloz, 1962).
117. Thomas Hobbes, *Leviathan, or The Matter, Form, and Power of a Commonwealth Ecclesiastical and Civil*, in *The English Works of Thomas Hobbes*, 2nd reprint 1966 (Allen: Scientia Verlag, 1966), Ch. XXVI. See Freund, "Les lignes de force," *op. cit.*, p. 17. Jean-François Kervégan, "Politique et raison. Remarques sur l'attitude de Carl Schmitt envers Hegel," in *Les Cahiers de Fontenay* 58-59 (June 1990), p. 174.
118. Schmitt, *The Concept of the Political*, *op. cit.*, P. 19. For a critique of Schmitt, see Leo Strauss, "Commentaire de *La notion de politique* de Carl Schmitt" (Summer 1932), tr. by Françoise Manent, in Heinrich Meier, *Carl Schmitt, Leo Strauss et La Notion de politique. Un dialogue entre absents* [1988] (Paris: Julliard, 1990), pp. 129-160.
119. For a more profound analysis of different concepts of law, see Dominique Séglard, "Présentation" of Carl Schmitt, *Les trois types de pensée juridique* [1934], tr. by Mira Köller and Dominique Séglard (Paris: PUF, 1995), pp. 7-66.
120. Schmitt, *The Concept of the Political*, *op. cit.*, p. 29.
121. Julien Freund, "Mon ami Carl Schmitt," in *Eléments* 54-55 (Summer 1985), p. 55.
122. Freund, *L'essence du politique*, *op. cit.*, p. 751.

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with which it has "constant relations and interaction." In the context of Freund's thought, to claim that "everything is political" is to make a categorical mistake. In 1976, he wrote: "It is completely stupid to say that everything is political. The truth is that anything can become political as soon as a situation provokes a rivalry characterized by a balance of power along the friend-enemy division."[123] It is a model of interpretation in line with the problems Schmitt developed in 1932: "Every religious, moral, economic, ethical, or other anthithesis transforms itself into a political one if it is sufficiently strong to group human beings effectively according to friend and enemy."[124] It is important to remember that Freund mercilessly criticized modern illusions derived from an imaginary "contract"[125] or a generalized artificiality.[126] He adopted the Aristotelian concept of man as "a political animal": man is social by nature, and society is not an artificial product that one can freely and indefinitely undo and redo.

These are "givens," and the fact that "man does not create himself"[127] has exemplary metaphysical value. That is why need is an "economical given,"[128] and the given simultaneously constitutes the universal foundation for this or that activity, and a general and permanent disposition of the human condition. If one tries to go back and identify one cause after another, the result will be given.[129] Freund analytically distinguishes between these constants concerning human behavior in society and interaction, more precisely, the "dialectics" that derive from them: legal, pedagogical, social, and technical. The example of law[130] allows the formulation of

123. Freund, "Observations . . ." *op. cit.*, p. 111.

124. Schmitt, *The Concept of the Political*, *op. cit.*, p. 37.

125. See Freund, *L'aventure du politique*, *op. cit.*, pp. 17-18. "The artifice has two centers of expansion. The machine, i.e., technology, on the one hand, and convention, on the other. Both arise from the social contract. . . . After this idea of 'artificial' convention launched by Hobbes, it was believed that all of society was artificial, since it depended on the contract. . . . It is possible to dismantle it, and repair it. . . . It is the very source of the revolutionary idea."

126. The Freundian critique of artificial utopianism is very close to the Hayekian critique of "rationalist constructivism." See Friedrich A. Hayek, *Droit, législation et liberté. Une nouvelle formulation des principes libéraux de justice et d'économie politique*, Vol. I: *Règles et ordre*, tr. by Raoul Audouin (Paris: PUF, 1980), pp. 9-39. Hayek, however, vehemently challenged Schmitt's decisionism (*ibid.*, pp. 84-85, and note 19 pp. 188-189).

127. Freund, *L'aventure du politique*, *op. cit.*, p. 39. See also Hayek, *Droit, législation et liberté*, *op. cit.*, p. 232.

128. *Ibid.*, p. 39 and p. 74.

129. The first part of *L'essence du politique*, *op. cit.*, pp. 9-79 deals with the analysis of the "given."

130. See Julien Freund, *Le droit aujourd'hui* (Paris: PUF, 1972), pp. 5-14, 85-93.

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the distinction between originary activities (essences) and dialectical activities which presuppose them. Law cannot be considered an essence, because it presupposes politics and ethics: "In order to have a law, there must be a society and the will to act in the best interest of this society. . . . Law appears as soon as there is a political will to organize society in the fairest way possible."[131] Law can be defined as the "dialectics between politics and morality."[132] Pedagogy would be another example. It cannot be considered to be an originary activity, because it presupposes a family or a social group: man does not educate himself.[133] As for technology,[134] which used to be "a subservient activity" and was used to mobilize means to "reach the goals of other human activities," it now has become autonomous, instituting its own goals, but also risking to impose on other activities or even to displace them.[135] The emancipation of technology could herald a new historical form — maybe post-historical — of dehumanization.

Man should not seek to transform himself, nor should he pursue the Promethean goal of changing human nature, to create "a new man," because in so doing he would risk unleashing his own propensity for violence against himself. Such is the vicious circle of utopianism and of dehumanizing violence: the revolutionary utopian, in giving himself "the task of achieving an ultimate and exceptional goal, nourishes the illusion that he can reach it through violence, which he considers the ultimate and exceptional means (*ultima ratio*)."[136] But if something is to be learned from "the history of . . . human freedom," it is that "no regime has ever been able to bring about total freedom, because of the fact that it is impossible to satisfy all contradictory and antagonistic human aspirations."[137] From his polemological research, Freund learned a lesson of wisdom: "Maybe it is because violence is deeply rooted in man that utopianism uses it. Violence will not eradicate violence, despite utopianism. Human nature poses an insoluble problem: thus, the permanence of metaphysics. . . . Man resists man. Undoubtedly, there will always be insoluble questions. Therefore, we could ask ourselves whether utopianism is an escape from problems and violence, an

131. Freund, *L'aventure du politique, op. cit.*, p. 73.
132. *Ibid.*, p. 74.
133. *Ibid.*, p. 73-74. See also Freund, *Le nouvel âge*, *op. cit.*, pp. 79-82.
134. See Julien Freund, *La Find de la Renaissance* (Paris: PUF, 1980), pp. 125-141.
135. See Freund, appendix to the 3rd ed. of *L'essence de politique*, *op. cit.*, p. 824.
136. Freund, *Utopie et violence*, *op. cit.*, p. 254.
137. Julien Freund, "La recherche de l'objectivité comme condition de la liberté," in *Connaissance pour la liberté*, acts of the 2nd International Congress for the Defense of Culture (Nice, Sept. 27-29, 1974) (Turin: CIDAS, 1975), p. 245.

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escape from solutions. The one promises to solve problems, which do not exist, probably in order to escape the ones that are posed concretely under existing circumstances, while the other brings the worst of all solutions, because of the impatience which neglects to consider other means. False hope will use a treacherous instrument: an epiphany without God."[138]

In 1969, Freund described Weber as: "one of the philosophers who best understood the tragedy of human destiny": "His perceptiveness mixed with enthusiasm measures up to the effort of perspicacity of those who ignore despair."[139] Like Weber, Freund combined a will for lucidity[140] with the virtue of hope. There is no avoiding the insurmountable antagonism of values, or allowing despair to tempt us. One should think about decadence, take it seriously,[141] understand it as the "end of a type of civilization," but not allow it to be overwhelming; it should never be considered to be an absolutely inevitable movement. Freund used as examples two great men of action, Churchill and General De Gaulle: "Both felt the threatening decadence, but they made almost superhuman efforts to correct a compromised situation, using every means possible and making sacrifices. Maybe they found their energy in a lucidity, which refused agony."[142] The partisan's courage is open to numerous symbolic transpositions. Contrary to Spengler, hope is not a form of cowardice — at least not always and not necessarily, because, as a non-compassionate Christian who rejected sentimentalism, which too often replaces morality, Freund believed that "hope in man consists of remaining a man by becoming what he is,"[143] which is what Pindar had said before Goethe and Nietzsche. "Become what you are" is a fundamental moral maxim — beyond moralism.

After he defended his thesis on June 26, 1965, Freund had a conversation

138. *Ibid.*, p. 256.

139. Freund, *Max Weber*, *op. cit.*, p. 68.

140. Freund remarked on Weber's lucidity, which he admired: It was "maintained by an ardor and impetuous passion for his work". (*Ibid.*, p. 67). This also is true of Freund.

141. See Julien Freund, "De la décadence," in *Countrepoint* 18 (April 1975), pp. 131-148. See also the following works by Freund: *La fin de la Renaissance*, *op. cit.*; *La décadence. Histoire sociologique et philosophique d'une catégorie de l'expérience humaine* (Paris: Sirey, 1984); "La décadence et le phénomène des générations." in *Revue européenne des sciences sociales*, Vol. 23, No. 71 (September 1985), pp. 109-115; and "Décadence et jeu de mots," in Julien Freund, *Essais de sociologie, économique et politique* (Brussels: EHSAL, 1990), pp. 13-26; "Décadence," in *Sociétés* (1984), pp. i-ii; *L'aventure de politique*, *op. cit.*, pp. 119-150.

142. Freund, *L'aventure du politique*, *op. cit.*, p. 149.

143. Freund, *Utopie et Violence*, *op. cit.*, p. 259. See also *L'aventure du politique*, *op. cit.*, p. 236.

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with Hyppolite, which provides a good indication of Hyppolite's reluctance to accept the friend-enemy antithesis. Hyppolite told the candidate: "We still have to discuss the category of friend-enemy, which defines politics. If you are right, all I have to do is take care of my own business." Freund answered: "Listen, Mr. Hyppolite. You said you made a mistake concerning Kelsen. I think you are committing another mistake, because you think, as all pacifists do, that you are designating the enemy. You think that when we stop wanting enemies, we will not have any. But it is the enemy who designates you. And if he wants you to be his enemy, you can make him the most beautiful claim of friendship. But as long as he wants you as his enemy, you are his enemy. And he will even prevent you from taking care of your own business." Freund admits that it was an intense, even tragic moment, as Hyppolite replied: "Result: the only thing I can do is commit suicide."[144] A fundamental lack of understanding of the friend-enemy antithesis can be found in the pacifist's argument based on the ignorance of what peace is, because "one cannot really think about peace if the enemy and war are overlooked,"[145] if it cannot be established with whom one should make peace. The condition for peace is the recognition of the enemy.

Freund insists that "*peace cannot be made by excluding, but* only *by including enmity*,"[146] and he summarizes his analysis as follows: "Making peace means acknowledging that opinions and interests different from ours have a right to exist and to be articulated. If we refuse, we have war. *Peace is not the abolition of the enemy, but an arrangement; it is not just any acknowledgement, but the acknowledgement of the enemy*, i.e., of otherness, divergence, opposition, antagonism, etc. A peace that excludes the enemy is called war."[147] That is why, even if it seems paradoxical, that those who refuse the idea of the enemy are enemies of peace. And it is well-known that under certain extreme circumstances declared pacifists

144. Freund, *L'aventure du politique, op. cit.*, p. 45. Freund elaborates on Aron's critical commentary concerning Hyppolite's reaction during the reception following the thesis defense: "Your position is dramatic and typical among professors. You prefer to destroy yourself, rather than to recognize that real politics obeys rules that do not correspond to your ideal norms." See "Raymond Aron directeur de thèse," *op. cit.*, p. 57. In his *Mémoires*, *op. cit.*, p. 136. Aron compared Hyppolite's reaction to that of Léon Brunschvicg, who refused to recognize the nature of the Hitler threat in 1936: "It is easy to think of politics, but only if one understands its rules and obeys them. I agree that thinkers leave to others the ungrateful task of thinking about this activity, but they rarely resign themselves to this abstention."

145. Freund, *Le nouvel âge*, *op. cit.*, p. 219.

146. *Ibid.*, p. 223 (emphasis in original).

147. *Ibid.*, p. 224 (emphasis in original). See also the appendix to the 3rd ed. of *L'essence du politique*, *op. cit.*, pp. 827-828.

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become raging warmongers. Such is the paradox of the "revolutionary vocation (*révolutionnarisme*),"[148] which calls for a purifying violence and seeks to establish the kingdom of ends in a postponed future.

Some Left or extreme Left journalists, who wanted to play the role of the public's spiritual advisors or supervisors,[149] accused Freund of writing for right-wing journals or lecturing at some unsavory political clubs. Although he was aware of the risks of excommunication, after the mid-1970's Freund accepted invitations from two associations labeled "New Right":[150] GRECE and the "Club de l'Horloge."[151] He always spoke his mind freely, never pledged allegiance to them, and often opposed the ideas expressed in those circles. As a Christian, he did not share GRECE's neo-pagan views; as a Frenchman, Gaullist, Europeanist and regionalist, he could not identify with the Club de l'Horloge's nationalism and its support

148. See Julien Freund, "Le révolutionnarisme," in *Res Publica*, Vol. 11, No. 3 (1969), pp. 485-517. Freund mercilessly took apart Marcuse's leftism in "La philosophie 'politiciste' de Herbert Marcuse," in *Revue d'Allemagne* (April-June, 1969), pp. 176-217.

149. On the "reign of journalists" and the integration of political life in advertisement, see the appendix to the 3rd ed. of *L'essence du politique*, *op. cit.*, pp. 819-821.

150. See Pierre-André Taguieff, *Sur la Nouvelle droite. Jalons d'une analyse critique* (Paris: Descartes et Cie, 1994).

151. GRECE ("Groupement de recherche et d'études pour la civilisation européenne") was created in 1968. Its main ideologue, Alain de Benoist, in February-March 1968 launched *Nouvelle Ecole* and in 1973 became the main collaborator to GRECE's *Eléments pour la civilisation européenne*. The first issue of GRECE's theoretical organ, *Etudes et recherches pour la civilisation européenne*, included an article by Freund, "Propos sur le politique," pp. 49-56, which initially had appeared in Etienne Borne, *France-Forum* 166-167 (April-May 1973), pp. 3-6. The 10th national colloquium of GRECE in Paris, on January 26, 1975, included Freund, Piet Tommissen, and Armin Mohler. Freund's presentation, "Plaidoyer pour l'aristocratie," was published in the official acts, "Des élites, pour quoi faire?" pp. 29-41. He was a sponsor of *Nouvelle Ecole* since the late 1970s. Freund lectured on the "pluralism of values" at the 18th national colloquium (Versailles, Nov. 11, 1984): "La fin d'un monde: crise ou déclin?" At the 21st national colloquium (Paris, Nov. 29, 1987) on "Bio-ethics against ideologies," Freund lectured on "Moralism against morality" (pp. 69-83). Thereafter, he contributed to both *Nouvelle Ecole* and *Eléments*. See, e.g., "L'essence de l'économique. Entretien avec Julien Freund," in *Eléments* 28-29 (1979), pp. 42-43, or the obituary "Mon ami Carl Schmitt," *op. cit.*, pp. 52 and 55. Freund also published a study "Politique et morale," in *Krisis* 8 (April 1991), pp. 55-70) — a journal also founded by Benoist, in 1988. Le Club de l'Horloge was organized in 1974 by Henri de Lesquen and two GRECE members, Jean-Yves Le Gallou and Yvan Blot. Freund's signature appeared next to that of the Gaullist Pierre Charpy in *Counterpoint* 36 (Feb. 1981): "Le retour des féodalités," pp. 104-110, which was taken over by Le Club de l'Horloge, with Blot as its editor, president of the club and a member of the RPR's Central Committee. Blot joined the National Front in 1988, but the Club retained its institutional independence *vis-à-vis* Le Pen's party. The political critique of "new feudalities" was part of Freund's works on oligarchy, based on Robert Michel's or Pareto's work. See Freund, appendix to the 3rd ed. of *L'essence du politique*, *op. cit.*, p. 817.

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of Le Pen in 1983-1984.[152] In accepting their invitations, however, he also risked appearing suspect to self-righteous people — those he derided as "sleepers."[153] He was well aware of this, and readily admitted that one could "criticize him for being foolish."[154] He often had been careless, and well-aware of it. He challenged inquisitorial questions, which had become typical of leftist political cant: "From what perspective do you speak?" "From what perspective do you write?" etc. Important for him was what he was saying, i.e., the conceptual content of his articles and conferences, and the ability to freely express his thoughts.

He loved irony, and sometimes liked being provocative. He enjoyed outraging conformists or idiots, both the happy ones (on the Left) and the

152. Freund published two short articles in the Club's publication, *Lettre d'information*: "Peut-on parler de décadence artistique?" No. 28 (1986), p. 3, and "De la race à la classe: les métamorphoses de l'idée socialiste," No. 34 (1988), pp. 7-9. He also published two articles in *Alternative républicaine* (published by the Committees for Republican Action (CAR), founded in January 1982 with Bruno Mégret as President: "Le privé et le public: un équilibre nécessaire que rompt le socialisme" (July-August 1984, pp. 37-39) and "La crise de l'état" (Summer 1985, pp. 3-8). He also wrote a preface to Mégret's *L'impératif du renouveau* (Paris: Albatros, 1986), pp. 5-13. Led by Mégret (member of the Central Committee of RPR from 1979 to 1981), and Jean-Claude Bardet, in 1986 CAR joined Le Pen's "Rassemblement national." Edited in 1985, Freund's preface cannot be considered an adherence to the National Front (where Mégret became "number two" only after 1989). But unscrupulous "vigilants" saw this as a confirmation of their "antifascist" suspicions about Freund. GRECE and the Club de L'Horloge have promoted Freund into a "major thinker (*maître à penser*)," as they did with Georges Dumézil and Louis Dumont. In GRECE's 1977 work, *Dix ans de combat culturel pour une renaissance*, Freund's *L'essence du politique* is mentioned among the "36 books essential to better situate GRECE," among works by Emile Benveniste, Georges Dumézil, Pierre-Paul Grassé, François Jacob, Arthur Koestler and Giovanni Sartori. In his book, *Vu de droite/Anthologie critique des idées contemporaines* (Paris: Copernic, 1977), Benoist quotes Freund in reference to *L'essence du politique* or his studies on Schmitt or Pareto. Shortly after Freund's death, *Eléments* 79 (January 1994), pp. 35-37 published two articles "in homage to Julien Freund": one by Piet Tommissen (a friend of both Freund and Schmitt), the other by Alessandro Campi, director of the Italian journal *Futuro Presente* (the Italian version of *Nouvelle Ecole*). An obituary also appeared in *Nouvelle Ecole* in 1995, No. 47, pp. 156-158. The fact that the first book of the Club de l'Horloge, *Les racines du futur. Demain la France* (Paris: Masson, 1977) cited Freund's definition of politics (pp. 117-118) does not implicate him in any way. Other authors were also praised, e.g., Aron, Dumézil, Annie Kriegel, the Presidents Pompidou and Giscard d'Estaing, Robert Debré, Georges Suffert and François Perroux. That also does not make them sympathizers of the Club de l'Horloge.

153. In a 1985 GRECE interview about the New Right, Freund wrote that the New Right has "shaken the torpor, suppressing at the same time the sleepers' choleric reaction." See *Eléments* 56 (Winter 1985, p. 38).

154. Freund, "Autobiographie intellectuelle," *op. cit.*, p. 40.

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unhappy ones (on the Right), mostly by twisting insults ironically.[155] Accused of being a "reactionary" by the Stalinoids, Freund calmly replied "in an irreverently mocking tone":[156] "I am a leftist reactionary." In August 1968, he added: "Both Right and Left have become irrelevant to me; politically, I do not think in these categories anymore."[157] In his 1981 autobiography, he recognized his controlled foolishness, but pointed out that there were no "compromises of principle": "If I spoke in front of some Republican Party members, that does not make me a supporter of Giscard d'Estaing; if I was invited by Socialist organizations, that does not make me a Socialist; and if I spoke in front of people belonging to the so-called New Right, that does not make me a member of GRECE. When I had to, I never hesitated to clarify my own positions in order to prevent possible ambiguities, as my listeners can confirm."[158]

Freund insisted on the conservative aspect of power, but refused to attach "a pejorative meaning to the notion of conservation." He argued that "decline is the opposite of conservation": "it only makes sense if it develops and allows its capital to grow."[159] He saw Western civilization as built on two principles: free search for the truth[160] and the sense of freedom. The latter is not "the ultimate goal, which, in an eschatological sense, often is invoked to oppress those to whom it has been promised."[161] He defined liberalism as a "social doctrine," which preserves the private sphere as a "buffer between the strictly individual and the collective or public sphere." Hence, liberalism is "the inverse of socialism."[162] What characterizes the

155. According to Georges Bernanos, an optimist is a happy imbecile, a pessimist an unhappy one. See his *La liberté pour quoi faire?* (Paris: Gallimard, 1953), p. 13.

156. Freund, *L'aventure du politique*, *op. cit.*, p. 237.

157. Freund, *Le nouvel âge*, *op. cit.*, p. 9.

158. Freund, "Autobiographie intellectuelle," *op. cit.*, p. 40. Similarly, the fact that Freund was interviewed by the journal *Réaction* (which was founded in 1991, but disappeared in 1994, by a group of young people associated with *L'Action française*), did not make him a royalist. See *Réaction* 4 (Winter 1992), pp. 57-63; and *Réaction* 12 (Winter 1994), pp. 129-134. See also François Huguenin (*Réaction* editor-in-chief), *A lécole de l'Action française. Un siècle de vie intellectuelle* (Paris: Jean-Claude Lattès, 1998).

159. Freund, *Le nouvel âge*, *op. cit.*, p. 14.

160. Following Weber, Freund constantly thought of science, its object, its scope, its meaning and its limits. See Julien Freund, *Les théories des sciences humaines* (Paris: PUF, 1973), and his "Libertés et déterminismes," in Ecole des hautes études industrielles du Pirée, *Conscience des libertés et liberté de la conscience*, 1st Athens Colloquium (June 25-28, 1980), pp. 165-177. See also Julien Freund, *Philosophie Philosophique* (Paris: La Découverte, 1990), pp. 149-199.

161. Freund, *La décadence. . .*, *op. cit.*, p. 390.

162. Freund, appendix to the 3rd ed. of *L'essence du politique*, *op. cit.*, p. 823.

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liberal orientation philosophically is the desire to think of the real, i.e., to recognize it in its rationality and irrationality, without ever substituting a utopian construction or an ideologized messianism. This implies the rejection of collectivist and managerial measures, as well as the rejection of the "logic of nationalization and centralization."[163]

Properly understood, the liberal spirit is based on a sense of limits, which applies both to knowledge as well as to the aspiration for freedom: "Full knowledge is as utopian as total freedom, with utopia being a purely intellectual construct that does not exist in any space or time."[164] Totalitarianism obtains precisely at the point of confluence of utopianism and secularized millenerianism (especially in the form of a 'religion of progress'). On secularization,[165] Freund adopted Schmitt's and Löwith's analysis of totalitarianism as a modern phenomenon inextricably bound to its theological and eschatological origins: "Totalitarianism is the secularization of divine omniscience, omnipotence and omnipresence."[166] Freund's conservatism is related primarily to the founding principles of Western civilization that are perceived to be universalized (truth, freedom).[167] The least harmful way to locate him politically is to accept the inevitable conceptual fuzziness of the general context, and to classify him as a dissatisfied conservative liberal.[168]

It is difficult to ignore Freund's vision as one reads the first sentences of his preface to Schmitt's *The Concept of the Political*, written at a time

163. Robert A. Nisbet, *Conservatism: Dream and Reality* (Minneapolis: University of Minnesota Press, 1986), p. 101.

164. Freund, "La recherche de l'objectivité. . .," *op. cit.*, p. 245.

165. Freund could be criticized for not problematizing this appeal to the idea of secularization. See Hans Blumenberg, *La legitimité des temps modernes*, tr. by Marc Sagnol *et. al.* (Paris: Gallimard, 1999), pp. 35-62.

166. Karl Löwith, *Histoire et Salut. Les présupposés théologiques de la philosophie de l'histoire*, tr. by Marie-Christine Challiol-Gillet, Sylvie Hurstel and Jean-François Kervégan (Paris: Gallimard, 2002).

167. Freund's legacy thrives in the work of his student Chantal Millon-Delsol. See her *Essai sur le pouvoir occidental* (Paris: PUF, 1985), with preface by Freund (pp. 5-13).

168. Although "conservative liberalism" is a problematic designation, it makes it possible to locate Freund within a line of thinkers such as Hegel, Weber (at the end of his life), Schmitt (from 1932 on) and Hayek. See Renato Cristi, *Le libéralisme conservateur. Trois essais sur Schmitt, Hayek et Hegel*, tr. by Noëlle Burgi (Paris: Kimé, 1993). On the conservative and neo-conservative uses of Schmitt in the US, see Joseph W. Bendersky, "The Definite and the Dubious: Carl Schmitt's Influence on Conservative Political and Legal Theory in the US," in *Telos* 122 (Winter 2002), pp. 33-47. For an analysis of liberalism, see Olivier Arnaud's Doctorate thesis, *La signification du libéralisme à partir de la philosophie politique de Julien Freund*, written under the supervision of Pierre Manent, at the Raymond Aron Center for Political Research in December 2001.

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when culture was dominated by communists and various leftist tendencies: "Let us be suspicious. Nowadays, this is the mark of a free and independent mind, especially in intellectual circles. Indeed, we have to make a choice between the flattery of the predominant ideology, and suspicion, which is imposed by the representatives of this ideology on those who refuse to follow the new trend. . . . Of course, censorship has been abolished, but the censors still exist, and so does hypocrisy. In order to seek favor with the clergy, proclaim widely your attachment to peace, profess loudly your hatred of war, make sure that, when there is a conflict, you do not examine things too closely. On the contrary, take immediately the side of those designated beforehand as representing the sense of history and, without further ado, look at them as the ones in favor of peace. . . . For research, do not bother with war studies, but concentrate on *peace research*. If you write about politics, demonstrate that it is an evil activity, which has to be destroyed. At the same time, advocate generous and violent politics."[169]

But Freund was, first of all, a good teacher. He was a conscientious and exciting professor, a demanding researcher with encyclopedic interests.[170] He had a free and lucid mind; he never tried to be popular, never made concessions to predominant opinions. He was intellectual and courageous, and a real teacher, like Alain, Ricoeur or Aron, at a time when bad teachers or even impostors were legion. He fought against "every form of stupidity"[171] and he put some "philosophers" and "sociologists" in their

169. Freund, preface to Schmitt, *La notion du politique*, *op. cit.*, pp. 7-8. In the 1960s and 1970s, leftist intellectuals were unfamiliar with Schmitt's writings, or refused with indignation to read them because of their leftist "antifascism." In the 1970s and 1980s in France, it was mostly GRECE that attempted to popularize Schmitt's thought within the Right (or the extreme Right). See, e.g., the section devoted to Carl Schmitt in *Nouvelle Ecole* 44 (Spring 1987), pp 11-86, with articles by Freund, Günter Maschke, Armin Mohler and a "Bibliographie Carl Schmitt" by Benoist and Maschke (pp. 67-86). See also François Dirksen, "Les 90 ans de Carl Schmitt," in *Eléments pour la civilisation européenne* 28-29 (March 1979), pp. 19-20; and Philippe Baillet, "Carl Schmitt ou les métamorphoses du politique," in *Eléments* 68 (Summer 1990), pp. 43-46. In the US, some leftists began to read Schmitt in the 1980s. In France it was not until the 1990s that some leftist intellectuals became Schmittians. For a critical examination of the contemporary Schmitt reception in the US, see Paul Piccone and Gary Ulmen, "Uses and Abuses of Carl Schmitt," in *Telos* 122 (Winter 2002), pp. 3-32.

170. See Piet Tommissen, "La bibliographie de Julien Freund," in *Revue européenne des sciences sociales* and *Cahiers Vilfredo Pareto*, Vol. XIX, No. 54-55 (1981), pp. 49-70. See also Piet Tommissen, "Julien Freund, une esquisse bio-bibliographique," in Julien Freund, *Philosophie et sociologie*, *op. cit.*, pp. 415-456; and Tommissen's thematic bibliography of Freund, in *Studi Perougini* (January-June 1996), pp. 17-73.

171. See Friedrich Nietzsche, *Considérations intempestives III: Schopenhauer éducateur*, tr. by Geneviève Bianquis (Paris: Aubier-Montaigne, 1954), p. 65.

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place.[172] He could not bear the charlatans of social science, and could detect them right away.[173] Freund uncompromisingly resisted the song of the sirens of his time. Academic demagogues and other conformists have made a career out of the symbolic exploitation of "generous ideas," avoiding speaking clearly on "bothersome issues." In 1961, Freund wrote: "The generosity of a political ideal does not justify remaining quiet concerning truth and the nature of things."[174] Those who appreciate conserving what deserves to be conserved only can resist the empty appeals of the demagogues of the permanent "revolution."[175]

To resist or to react: this was the position that this "leftist reactionary" took when faced with the blind escape or the stagnation in a perpetual present, which, for so many of his upwardly mobile contemporaries, represented the future of humanity.[176] The will to know, to explain, and to understand political realities, as disturbing as they may be, without hiding within comforting illusions, is what thinkers as different as Machiavelli, Hobbes,[177] Weber, Schmitt, and Aron share. Freund belongs to this line of "realist" political philosophers, i.e., to the "cursed political theorists,"[178] as he branded Machiavelli, Hobbes, and Schmitt, or rather to the "unpleasant theoreticians," as Pierre Avril put it, following one of George

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172. See Julien Freund, "Les nouveaux philosophes," in *Revue européenne des sciences sociales*, Vol. 16, No. 43 (February 1978), pp. 173-188. See also Julien Freund, "Le règne de l'imposture," in *L'analyste*, Vol. X, No. 38 (Summer 1992), pp. 17-19.

173. See Jean Roy, "*In Memoriam* Julien Freund," in *Archives de philosophie du droit*, Vol. 38 (1993), pp. 4-9; and Paul M. G. Levy, Jean Georges Wagner, Freddy Raphaël, Patrick Watier, "Hommage à Julien Freund," in *Revue des sciences sociales de la France de l'Est* 21 (1994), pp. 136-139.

174. Julien Freund, "Sens et responsabilité de la réflexion philosophique à l'heure actuelle," in *Revue de l'enseignement philosophique* 12 (October-November 1961), pp. 1-16. Cited by Arnaud, *La signification du libéralisme à partir de la philosophie politique de Julien Freund*, *op. cit.*, p. 428.

175. On the "ideology of change as such," see Freund, appendix to the 3rd ed. of *L'essence du politique*, *op. cit.*, pp. 816-817. See also Pierre-André Taguieff, *Du progrès. Biographie d'une utopie moderne* (Paris: Librio, 2001), pp. 181-187; and *Résister au "bougisme." Démocratie forte contre mondialisation techno-marchande* (Paris: Mille et une nuits, 2001).

176. On resistance by a minority to the predominant conformism, see Freund, *L'essence du politique*, preface to the 2nd ed., *op. cit.*, pp. viii-ix.

177. Freund did not hide his enthusiasm for the critical edition of the *Léviathan*, *op. cit.*: "Finally! Finally! the integral translation of the *Leviathan*! It took more than three centuries for this to happen." See *Contrepoint* 5 (Winter 1971), p. 173. Freund formulates an explanatory hypothesis: "Why read Hobbes? Today we live in a state of masked civil war and, more than any other political author, Hobbes reflected on the phenomenon of civil war and the means to overcome it."

178. Freund, preface to Schmitt, *La notion du politique*, *op. cit.*, p. 8.

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Bernard Shaw's formulas. These thinkers are "unpleasant because they irk more than they cause despair, and because they have a bad reputation, or none at all."[179] That is why they have risked "blabbing" the reality of politics. The lucidity which forbids the decoration of the hard reality appears always unpleasant to those who want to dream with their eyes open. If these realist political thinkers are rediscovered at the end of the 20th century, it is on the ruins of the utopias of "the New Man," the perfect society, and "the radiant future."

The whole 20th century should be re-examined without indulgence or nostalgia. Confronted with technicized neo-barbarity, amidst triumphant stupidity and as powerful as the spirit of mediocrity might be, it is always appropriate to prepare the "defeat of big mouth," as Georges Sorel would say.[180] If an age is despicable, if more and more people "downgrade everything," it becomes imperative to fight it. Even in the darkest periods and in areas abandoned by true intelligence, free thought, no matter how insignificant, will enlighten. Consider the French "short 20th century," from WWI to the end of the Mitterrand years, which coincides with the end of communism. It is the background of a pitiful European century, full of fascist or communist criminal illusions, dotted with large, technicized, almost industrial massacres perpetrated in the name of revolutionary utopianism, or ideologies advocating the "regeneration" of humanity. "Progressive" mythology has become an insurmountable horizon for modern politics, erasing the last traces of the sense of the tragic in life.[181] The ideologization of the mind has become so prevalent that it has crushed almost all of those who thought and published.[182]

As in Germany, in France most "intellectuals" adopted "the ideas of their time"; they wisely tried to "stick" to predominant slogans and sectarian practices in different sides. The intellectual cast does not look like

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179. Pierre Avril, review of Schmitt's *La notion du politique*, in *Contrepoint* 7-8 (August-Nov. 1972), p. 283.

180. Georges Sorel, "La disfatta dei 'mufles'," in *Il Divenire sociale*, V (July 6, 1909), pp. 177-181.

181. On the tragedy of politics, see Freund, appendix to the 3rd ed. of *L'essence du politique*, *op. cit.*, pp. 826-827. One of Freund's last articles was devoted to one of the fundamental categories of Weber's analysis of the social, illustrating the logic of the tragic: "Le paradoxe des conséquences," in *Politische Lageanalyse. Festschrift für Hans-Joachim Arndt zum 60. Geburtstag am 15. January 1993* (Bruchsal: San Casciano, 1993), pp. 53-64.

182. On the sophisticated stupidity, the greatest prejudices, and the ideological blindness typical of this century of "intellectuals," see Jean-François Sirinelli, *Intellectuels et passions françaises. Manifestes et pétitions au XXe siècle* (Paris: Fayard, 1990), and Michel Winock, *Le siècle des intellectuels* (Paris: Le Seuil, 1997).

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a camp of free minds. The sense for freedom and free thinking is illustrated only by a minority of them. Extreme conformity was the strongest passion of French-style "engaged intellectuals" from Barrès and Maurras to Sartre and Foucault. In between, there were Gide and communism, Brasillach and fascism. Characterized by the profusion of "isms," intellectual terrorism permanently scarred the landscape. At the beginning, it was polymorphous chauvinism, then it became a rivalry between Stalinists and fascists, and, at the end, it was diluted Stalinism. After that came the unconditional supremacy of the ideology of the media. Yet, great thinkers have enlightened this dark century: Bergson and Sorel, Valéry and Alain,[183] Jouvenel and Maritain, Caillois and Levi-Strauss, Aron and Ricoeur, Ellul and Furet, to name a few.[184] Freund is part of this long line of enlightened thinkers.

183. On Alain, see Freund, "Autobiographie intellectuelle," *op. cit.*, pp. 22-23.

184. To this list one should add the names of Péguy (despite his death in 1914) and Bernanos, as well as Cioran, Chestov, Berdiaev, and Papaioannou. A Marx and Hegel scholar, Kostas Papaioannou was Aron's student during the 1960s and 1970s. See Alain Pons, "Amitiés aroniennes," in *Commentaire*, Vol. 8, No. 28-29 (February 1985), p. 72. See also Alain Besançon, "Raymond Aron à l'oral," in *ibid.*, p. 74; Baverez, *Raymond Aron*, *op. cit.*, p. 322. See also Aron's preface to Kostas Papaioannou, *De Marx et du marxisme* (Paris: Gallimard, 1983), pp. 7-27. On Léon Chestov, see Julien Freund, "Deux penseurs réprouvés: Carl Schmitt et Léon Chestov," in *L'analyste*, Vol. X, No. 37 (Spring 1992), pp. 72-77. On Ellul, see Freund's contribution to *Religion, société et politique. Mélanges offerts à Jacques Ellul* (Paris: PUF, 1983), pp. 615-624.

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Carl Schmitt and Donoso Cortés

Gary Ulmen

Carl Schmitt's Catholic provenance is well-known.[1] In his youth, he admired the Church's stability and juridical perfection. He also admired the Church's flexibility in uniting the most diverse political systems without losing its own principles. However, in the 1923 work in which he described the Church's *complexio oppositorum*,[2] he was already becoming disillusioned. By 1929, he was convinced that, instead of providing a firm foundation for political theories, theology generated more controversies than any other discipline. His disillusionment with the Church became final after WWII, because it regularly meddled in affairs beyond its purview. Schmitt often referred to the religious wars incited by theologians in the 16th and 17th centuries, and was fond of echoing Alberico Gentili's remark: "*Silete theologie in munere alieno!*" (theologians should mind their own business). Yet, Schmitt was strongly influenced by three 19th century counterrevolutionary Catholic thinkers — Joseph de Maistre, Louis de Bonald, and the long-forgotten Juan Donoso Cortés.[3] Schmitt agreed with Maistre and Bonald that man is evil by nature and that the only way to deal with this predicament was to rely on tradition and society. He owed a special debt to Maistre for his equation of sovereignty and decisionism. But by far the most profound influence on Schmitt seems to have been Donoso Cortés. In the introduction to the small volume that Schmitt published on Donoso in 1950, he pointed out that the name had come up during three cataclysmic events: the 1848 European civil war; WWI and

1. See George Schwab, *The Challenge of the Exception: an Introduction to the Political Ideas of Carl Schmitt between 1921 and 1936* (Berlin: Dunker & Humblot, 1970).

2. Carl Schmitt, *Roman Catholicsm and Political Form*, translated and annotated by G. L. Ulmen (Westport, CT: Greenwood Press, 1996), pp. 7f.

3. Juan Donoso Cortés, Marquis de Valdegamas (1809-1853), a Spanish author and diplomat, was a Catholic philosopher.

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its aftermath; and the "present global civil war."[4] He also noted that once these earlier crises passed, Donoso was soon forgotten. Today's "global civil war" may warrant remembering him once again.

Donoso was concerned with defending the established European order, after the 1834 civil war in Spain, the upheavals unleashed by the 1789 French Revolution and, later, the 1848 revolutions throughout Europe. His primary political aim was to form a conservative front of European powers against the revolutionary forces. Because it believed that man is good by nature, atheistic anarchic socialism also contradicted Donoso's view that man is evil and even dangerous. Donoso also opposed the liberal bourgeoisie, which he defined as "a discussing class." In an age when monarchy was rapidly disappearing, Donoso saw only one alternative to socialist anarchism and bourgeois liberalism: dictatorship. Of course, after WWI, when Schmitt wrote three of his essays on Donoso, he was not advocating dictatorhip for the Weimar Republic, but rather a plebiscitarian type of democracy with the president of the Weimar state at the top, aided by the army and the officialdom.

By the time Schmitt discovered Donoso, he had already published an article on dictatorship,[5] and his preferred solution for the problems of the Weimar Republic was to some extent a variation on Donoso's theme of dictatorship. The novelty in Donoso's thought was that he no longer advanced legitimist arguments, i.e., a restoration philosophy, and the question of legitimacy in the dynastic sense never entered Schmitt's mind. He did, however, accept democratic legitimacy with respect to the Weimar constitution. There are also some similarities between Donoso's condemnation of the freedom of discussion in the Prussian assemblies and other parts of Germany after the 1848 upheavals and Schmitt's criticisms of the Weimar parliament. But Donoso was not opposed to the institution of parliament as such. He thought that it should be subordinated to the monarch so that both could find the solutions necessary for society's welfare. The same could be said of Schmitt's opinion of the Weimar parliament. Finally, there is a striking similarity between Donoso' and

4. Carl Schmitt, *Donoso Cortés in gesamteuropäischer Interpretation: Vier Aufsätze* (Cologne: Greven Verlag, 1950), p. 7. This book consists of four essays, three of which are translated in this issue. Not included is the first one, "On the Counterrevolutionary Philosophy of the State (Maistre, Bonald, Donoso Cortés)," (1922), which appeared in Carl Schmitt, *Political Theology: Four Essays on the Concept of Sovereignty* tr. by George Schwab (Cambridge, MA: MIT Press, 1985), pp. 53-66.

5. Carl Schmitt, "Diktatur und Belagerungszustand," in *Zeitschrift für die gesamte Strafrechtswissenschaft*, Vol. XXXVIII (1917), pp. 138-162.

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Schmitt's evaluation of political parties, i.e., that they were less interested in joining legitimate authority for action than in maintaining doctrinal positions that would enable them to undermine it and gain state power. Schmitt argued that in the Weimar Republic, the political parties were destroying the politcal unity needed to maintain the republic.

After WWI, Schmitt's main concern was to defend the established order, which had been buffeted by war and revolution. The collapse of the monarchy ended dynastic-monarchic legitimacy and introduced democratic legitimacy. For Schmitt, this raised the critical issue of sovereignty: "Sovereign is he who decides on the state of exception." It is "the exception that makes the subject of sovereignty relevant,"[6] i.e., sovereignty becomes paramount in a crisis, when it must be decided how to restore order. An ordinary legal order can never account for an exception to the rule, since such an exception can never be anticipated. In a crisis, all a constitution can do is designate who should deal with it. The sovereign decides if an exception really exists, and then how to handle it.

According to Schmitt, the very existence of the state is proof that it is superior to the legal order. The state should not be equated with *legality*, i.e., the legal order, as many positivist jurists had claimed, because the state rests on a more fundamental *legitimacy*. When there is an exceptional state of affairs, the state suspends the law on the basis of its right of self-preservation. Once order is restored, ordinary rules become decisive once again. The interpretive key here is political theology understood as the metaphysical core of all politics. This is because "all significant concepts of the modern state are secularized theological concepts."[7] The most interesting elaboration of this view is found in Maistre,[8] Bonald, and

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6. Schmitt, *Political Theology*, *op. cit.*, pp. 5-6 (translation altered).
7. *Ibid.*, p. 36 (translation altered).
8. Believing that the origin of political institutions is not human, but divine, that sovereignty comes from God and is absolute (but not despotic), Maistre also laid the foundation for modern Ultramontanism. Bonald, also an Ultramontane, elaborated the conditions necessary for the success of the counterrevolution. Montanism and Gnosticism were central during the most critical period of the Early Church, and what became the Roman Catholic Church was created only after the overthrow of both movements. The name Montanism derives from the monk Montanus, who (probably in 156 AD) claimed he had access to the "spirit" of Christianity, and sought to have the Early Church separate itself from the secular world in order to become more ascetic. But the Early Church chose to enter the Roman state and to Christianize it with the Gospel. Consequently, the Montanes withdrew from the Church and became a sect. Later, the original ideas became politicized with the founding of the Ultramontane Party in Rome.

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above all, Donoso. In both Spain and Germany, the Catholic Church was at the forefront of the counterrevolution. Maistre called the 1789 French Revolution "diabolical," and provided a theoretical justification for restoration, even before it begun.

As for Donoso, his political theology is more historical and sociological than that of Maistre or Bonald. He was concerned with a contemporary reality, i.e., the mythologization of the masses' impulses and dreams, which were manipulated by particular groups.[9] After the 1815 Congress of Vienna, which reestablished order following the Napoleonic wars, Europe enjoyed an era of peace and relative stability until the 1848 revolutions. The next four years saw violent oscillations in France, Italy, and Central Europe. The forces that unleashed them were liberalism, democracy, and nationalism. For a while, the revolutionaries seemed to be gaining the upper hand, but the tide turned and reaction prevailed everywhere. The counterrevolutionaries promoted tradition and custom, in the belief that history progresses slowly. Donoso saw beyond the reaction. He "concluded that the epoch of royalism was at an end. Therefore, traditional legitimacy no longer existed. For him, there was thus only one solution: dictatorship. It is the same solution that Hobbes reached by the same kind of decisionist thinking."[10]

As after WWI, Schmitt's volume on Donoso that appeared after WWII was not meant as a defense of dictatorship, but rather of the need for decision.[11] He notes that between the 1789 and 1848 revolutions, decisionism became central to Maistre, Bonald, and Donoso. This was crucial, because the moral decision was "the core of the political idea" at

9. As Schmitt writes: "In the first stage of this mythologization, there were still remnants of a secularized theology at work. The impulse was provided by a historical theology of the trinity, the doctrine of Joachim of Fiore, according to which the kingdom of the Father had been replaced by the kingdom of the Son, and now a third kingdom, that of the Holy Spirit, was on the horizon. However, that next stage has long since passed, and no longer requires either theological or secular concepts. To a great extent, the masses obviously have become completely concerned with a pure this-worldliness. . . . He [Donoso] . . . is weak when he lapses into moral philosophy or theology. He is thrilling and remarkable when he breaks through to a historical view and describes historical epochs, civilizations, nations, and empires. . . . Everything that he says in his great moments is thus an appeal to history." See Schmitt, "Einleitung," in Schmitt, *Donoso Cortés*, *op. cit.*, p. 12-14.

10. Schmitt, "Political Theology," in Schmitt, *Political Theology*, *op. cit.*, p. 52 (translation altered).

11. There are now several works on Donoso in English. See John T. Graham, *Donoso Cortés: Utopian Romanticist and Political Realist* (Columbia, MO: University of Missouri Press, 1974); and *Selected Works of Juan Donoso Cortés*, tr., ed., and introduced by Jeffrey P. Johnson (Westport, CT: Greenwood Press, 2000).

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a time when politics was under attack.[12] For Schmitt, a political idea is not an abstraction, but a plan of action. Today, as in Donoso's time, decisionism emphasizes the distinction between legality and legitimacy.[13] Donoso already drew this distinction in his 1849 speech on dictatorship.[14] For him, "dictatorship" is a political idea, but at that time it did not mean what it does today. It was synonymous with sovereignty; it was the opposite of liberal discussion, which never comes to a decision. Along with Maistre, he regarded every government as absolute, i.e., a dictatorship. As Schmitt put it, until 1848, legitimacy meant the historical, monarchic-dynastic form of legitimacy. "Most people did not recognize that a *different* form of legitimacy had come into play from the Left, one that proved to be stronger than conservative legitimacy. . . . It was the legitimacy of the democratic revolution. That is what Donoso understood."[15]

For Donoso, the final struggle between Catholic Christianity and atheistic socialism had begun. In the face of radical evil, dictatorship was the only answer.[16] Today, however, the confrontation is between *anarchy* and *nihilism.* Nihilism has come to mean an extreme form of skepticism — the rejection of all values, both moral or religious. Whereas political theology

12. Schmitt left no doubt as to his meaning: "Today, nothing is more modern than the struggle against the political. American financiers, industrial technicians, Marxist socialists, and anarcho-syndicalist revolutionaries unite in the demand that the biased domination of politics over the objectivity of economic life must be ended. There should be only organizational-technical and economic-sociological tasks, but no longer any political problems. The dominant type of economic-technical thinking today is no longer capable of perceiving a political idea." See Schmitt, *Political Theology*, *op. cit.*, p. 65 (translation altered).

13. As Schmitt noted, in modern times the idea became widespread that "not men, but law should rule," which resulted in the formula "in the name of the law." But the law has no name, and cannot interpret itself. Cf. Carl Schmitt, *Legalität und Legitimität*, 2nd. ed. (Berlin: Duncker & Humblot, 1968), p. 8.

14. As Schmitt writes: "For Donoso Cortés, the time of unquestioning adherence to legality had passed. . . . dictatorship was no longer legal; it was legitimate. The practical question was only whether dictatorship would be from above or from below (today, one would say: from the Right or the Left). Thus, arose the question of the legitimacy of dictatorship: '*cuando la legalidad basta para salvar a la sociedad, la legalidad cuando no basta la dictadura*' [even though legality protects society, legality does not prevent dictatorship]; and what he already considered to be the other concept of legitimacy in his 1849 speech: '*la dictadura es un gobierno legitimo como qualquio otro gobierno*' [dictatorship is a legitimate government like any other government]." See Carl Schmitt, *Glossarium: Aufzeichnungen der Jahre 1947-1951*, ed. by Eberhard Freiherr von Medem (Berlin: Duncker & Humblot, 1991), p. 49.

15. Schmitt, "Einleitung," in *Donoso Cortés*, *op. cit.*, p. 18.

16. "Thus, *authority* and *anarchy* could constitute a clear antithesis . . . and confront each other in an absolutely decisive way." See Schmitt, *Political Theology*, *op. cit.*, p. 66 (translation altered).

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supplies the analogies for political concepts, nihilism provides no basis for either. Since it is opposed to any order, it obviously cannot sustain any social system or international law.[17] As Schmitt put it, "it is imperative to distinguish clearly between the *anarchy* of the Middle Ages and the *nihilism* of the 20th century. . . . the European medieval order certainly was very anarchistic, in terms of a smoothly functioning modern factory, but it was not nihilistic, despite all the wars and feuds, as long as it retained the fundamental unity of order and orientation."[18]

According to Schmitt, Donoso touched on every important thought that traced a continuity between the predicament of 1944 and that of 1848. In 1848, things were different from today, but they were also different from what obtained in 1944.[19] Liberalism, democracy, and even national unity, at least for Germany, had to wait for the outcome of WWI. Thereafter, when Schmitt first compared 1848 and 1944, it was clear already that Europe would be dominated by the superpowers in the East (Russia) and in the West (America), as Donoso had predicted.[20] Yet, Donoso was aware of democracy, which, along with liberalism and nationalism, had ignited the 1848 revolution. In addition to his global prognosis, he provided a diagnosis of "irresistible democratization, technicization, and centralization," which, after 1848, despite the reaction that he favored, he considered inevitable. It may even be argued that he foresaw the coming of globalization: he mentioned the railroad and the telegraph as promoting this development, although today it is being brought about by technology.

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17. "Today, it is possible to claim that a completely different antithesis has become actual, namely, that of *anarchy* and *nihilism*. By comparison with the nihilism of a thoroughly centralized order with modern means of destruction, anarchy can appear to be not only the lesser evil, but also a remedy to desperate people." See Schmitt, "Einleitung," in *Donoso Cortés*, *op. cit.*, pp. 9-10. Today the Catholic Church is as opposed to nihilism as it was to revolution: "it stood on the side of the counterrevolution in the first half of the nineteenth century. . . . in that remote skirmish . . . [it] stood on the side of the Idea and West European civilization." See Schmitt, *Roman Catholicism*, *op. cit.*, pp. 38-39. At any rate, "The line from 1848 to 1948 is the development and intensification of nothing and nihilism." See Schmitt, *Glossarium*, *op. cit.*, p. 203.

18. Schmitt. *Glossarium*, *op. cit.*, , pp. 56-57.

19. See the fourth essay of Schmitt's book, "A Pan-European Interpretation of Donoso Cortés," reprinted in this issue, was originally written in 1944. Schmitt had delivered this essay as a speech at the Academia de Jurisprudencia y Legislacion in Madrid on May 31, 1944. It was published in German in 1949 in *Die neue Ordnung*, and in Spanish that same year in *Revista de la Facultad de Derecho* (University of Buenes Aires, Argentina).

20. As Schmitt notes, however, Donoso' prognosis is somewhat weaker than Tocqueville's in *Democracy in America*, because he includes a third power, England, and lacks the link to the development of democracy.

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Today, however, the most relevant aspect of Donoso' work is related to the "present global civil war." As already indicated, Schmitt mentions "the European civil war of 1848" between liberalism, democracy, and nationalism, on one side, and reaction and monarchism, on the other, as one of the three cataclysmic events that brought Donoso' name to the fore. Prior to the French Revolution, the state's political power had ended the religious civil wars by establishing a stable international order that bracketed war.[21] The French Revolution destroyed that order, but it was reestablished at the Congress of Vienna, and, despite 1848, remained in force until WWI. For Schmitt, war is the touchstone of international law. It is "a relation of order to order, not order to disorder. This last, order to disorder, is 'civil war'."[22] In a civil war, there is nothing in common with the enemy.[23] Until 1848, Donoso's thinking developed in the context of the Spanish civil war, although it was overshadowed by the contradictory foreign policy of other European states. But Donoso "saw that the internal Spanish civil war would necessarily become a European and ultimately a planetary civil war that would end in a global civil war."[24] Schmitt first mentioned a "global civil war" in 1950, but as early as 1938 he had already introduced the concept.[25] The turn to a discriminatory concept of war "had thrown the whole order of international law off its axis, while creating no new order."[26]

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21. See Carl Schmitt, *The* Nomos *of the Earth in the International Law of the* Jus Publicum Europaeum, tr. and annotated by G. L. Ulmen (New York: Telos Press, 2003), p. 142.

22. Carl Schmitt, "Völkerrechtliche Grossraumordnung für raumfremde Mächte: Ein Beitrag zum Reichsbegriff im Völkerrecht," in Carl Schmitt, *Staat, Grossraum, Nomos: Arbeiten aus den Jahren 1916-1969*, ed. by Günter Maschke (Berlin: Duncker & Humblot, 1995), p. 301.

23. Schmitt, *Glossarium*, *op. cit.*, p. 36.

24. Schmitt, "Einleitung," in *Donoso Cortés*, *op. cit.*, pp. 18-19.

25. "The problematic of the concept of war is mirrored in the unrest in the contemporary world situation. It demonstrates, which has always been true, that the history of international law is a history of the concept of war. International law is a 'law of war and peace,' *jus belli ac pacis*, and will remain so as long as it is a law of independent nations organized as states, i.e., as long as war is state war and not an *international civil war.* Every dissolution of old orders and every start of new ties raises this problem. There cannot be two contradictory concepts of war, nor can there be two contradictory concepts of neutrality within one and the same international law." See Carl Schmitt, *Die Wendung zum diskriminierenden Kriegsbegriff* (Munich: Duncker & Humblot, 1938), p. 1 (italics added). Years later, Schmitt used this wording again, when he wrote that Mao Tse-tung "systematically developed all modern methods of national and international civil war." See Carl Schmitt, *Theorie des Partisanen: Zwischenbemerkung zum Begriff des Politischen*, 2nd. ed. (Berlin: Duncker & Humblot, 1975), pp. 59-60.

26. *Ibid.*, p. 47.

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But what is a "global civil war"? There are two interrelated circumstances that create the conditions for global civil war. The first is when war ceases to be bracketed, and the second is the turn to a discriminatory concept of war, which transforms the real enemy into an absolute one [foe].[27] Yet there is a third element that has come about since Schmitt wrote: when the state loses its form and becomes historically obsolete, war also loses its form. This happened when both the US and Russia abandoned the European system of international law and failed to create a new order. In *The* Nomos *of the Earth*, Schmitt identified the roots of this predicament in an unresolved problematic of American foreign policy: in "the development of the United States since 1890 and of the Western Hemisphere that it dominates." After WWI, this predicament was also perceptible in Europe: "The contradictions stem from the unsolved problematic of a spatial development that is compelled either to make the transition to a *Großraum* and to find its place in the world of other recognized *Großräeme*, or to transform the concept of war contained in traditional international law into a global civil war."[28] In this context, "Lenin transformed the center of gravity from war to politics, i.e., the distinction between friend and enemy. That was meaningful, and, following Clausewitz, a consistent continuation of the idea of war as a continuation of politics. Only Lenin, as a professional revolutionary of global civil war, went still further and made an absolute enemy [i.e., foe] out of the real enemy."[29] This means that war "today is essentially different from that in

27. Cf. G. L. Ulmen, "Return of the Foe," and George Schwab, "Enemy or Foe: A Conflict of Modern Politics," in *Telos* 72 (Summer 1987), pp. 187-193 and 194-201, respectively.

28. Schmitt, *The* Nomos *of the Earth*, *op. cit.*, p. 296. There was also a Russian side to this problem: "As soon as the discrimination of other governments is in the hands of the United States, it has the right to turn people against their own governments, and to transform state war into a civil war. Thus, discriminatory world war in the American style becomes total and global civil war. At first glance, this is the source of the unexpected joining of Western capitalism and Eastern Bolshevism. From both sides, war, because it has become global and total, is transformed from the interstate war of traditional European international law into global civil war. This also reveals the deeper meaning of what Lenin had to say about the problem of total war, when he stressed that, given the contemporary state of the world, there is only one type of just war, namely, civil war." See Carl Schmitt, "Die letzte globale Linie," in Schmitt, *Staat, Grossraum, Nomos*, *op. cit.*, p. 446.

29. Schmitt, *Theorie des Partisanen*, *op. cit.*, p. 94. According to Schmitt: "Just war, i.e., the deprivation of the rights of the opponent, and the self-empowerment of the just side; that means: the transformation of state war (i.e., of war in international law) into a war that is simultaneously a colonial and a civil war; that is, logically and irresistibly: . . global civil war; and ceases to be interstate war." See Schmitt, *Glossarium*, *op. cit.*, p. 249.

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the times of our grandfathers. The change is important and has something sinister about it. War today is no longer a hostile encounter of two organized and well-disciplined armies. It is not pursued just with military weapons. The opponents mutually seek to destroy each other with all the means available. Thereby, war is transformed into a civil war; also, the cold war becomes a cold civil war."[30]

The relation between 1848 and today can be understood only in terms of global civil war, the return of "just war," and the situation of international law. In the Middle Ages, the Catholic Church's authority was decisive in the determination of what constituted a just war.[31] But from the 16th to the 20th century the *justa causa* was put aside: "The formal reference point for determining just war was no longer the Church's authority in international law, but rather the *equal sovereignty of states*. Instead of *justa causa*, international law between states was based on a *justus hostis* [just enemy]. Any war between states, between equal sovereigns, was legitimate. Given this juridical formalization, a rationalization and humanization — a bracketing — of war was achieved for 200 years."[32]

The attempt to distinguish between just and unjust wars began after WWI, both in official American declarations and in Lenin's pronouncements. Although today war is radically different, the distinction is still unclear. What is clear is that the question of just and unjust wars is concerned primarily with a new international order grounded in international law. Despite the efforts of the League of Nations and of the UN, which

30. Carl Schmitt, "Amnestie oder die Kraft des Vergessens" (1949), in Schmitt, *Staat, Grossraum, Nomos*, *op. cit.*, p. 218.

31. According to Schmitt: "In scholarly discussions of international law today, especially concerning the question of just war, the international law of the Christian-European Middle Ages is invoked and utilized in a peculiar and contradictory manner. This is true not only of those scholars continuing to work with the system and methods of Thomist philosophy, to whom reference to scholastic definitions readily suggests itself. It also is true of numerous arguments and constructions in which, for example, League of Nations theorists in Geneva and American jurists and politicians have endeavored to utilize medieval theories, above all those concerning just war, for their own ends." See Schmitt, *The* Nomos *of the Earth*, *op. cit.*, pp. 56-57.

32. *Ibid.*, pp. 120-121. According to Schmitt: "the turn to the modern age in the history of international law was accomplished by a *dual division* of two lines of thought that were inseparable in the Middle Ages. These were the definitive separation of moral-theological from juridical-political arguments, and the equally important separation of the question of *justa causa*, grounded in moral arguments and natural law, from the typically juridical-formal question of *justus hostis*, distinguished from the criminal, i.e., from becoming the object of punitive action. The decisive step from medieval to modern international law — from the theological system of thought predicated on the Church to a juridical system of thought predicated on the state — lies in this dual division."

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today is becoming more and more like the League, there is still no new world order, and there has not been one since the collapse of the *nomos* of the earth grounded in European international law. The cold war was a civil war — a global civil war.[33] It was a "just war," because both sides assumed that they had right on their side. Each considered the other to be a foe, and assumed that any clash would be total. That civil war ended with amnesty for both sides, but without any agreement concerning the international order. For a short time, it seemed as if history had ended.

Then came September 11, and this illusion died in the flames of the World Trade Center and the Pentagon. Today, it is obvious that the "war on terrorism" is a global civil war: it is total, and the enemy is considered a foe who must be annihilated by whatever means necessary. War is no longer exclusively a state prerogative, but is now in the hands of terrorists, bandits, and criminals.[34] While sovereign governments are still bound by certain restraints, these groups are not. They do not distinguish between civilians and soldiers. Islamic terrorists are enemies of democracy and the Enlightenment, as was Donoso, and they are willing to use all available means to destroy what they consider heretical. Like Donoso, they are counterrevolutionaries steeped in religion. But there is a vast difference between Donoso' conservative Catholicism and the terrorists' Islamic fundamentalism. Donoso was for order. The terrorists are for disorder and destruction.

If war is no longer under state control, at least part of the reason is that the state has been in decline since at the least the mid-20th century, and is becoming obsolete. This is another reason why there is no common agreement concerning the conduct of war, even among sovereign governments — as became obvious in the polemics concerning the US treatment of incarcerated combatants and its plans to attack Iraq. According to the

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33. See Gary Ulmen, "Just Wars or Just Enemies," in *Telos* 109 (Fall 1996), pp. 99-112. It is still assumed, however, that nothing has changed. Consider Michael Walzer's attempt to reintroduce a moral argument into the definition of war [See Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 2nd. ed. with a new preface (New York: Free Press, 1997), p. 51]. He claims to appeal to "the laws of international society [sic!] (as these appear in legal handbooks and military manuals)." As for the rest, he equates "law" with "the moral law, to those general principles that we commonly acknowledge" (p. xxvii). What these principles are, is never spelled out. As David Hendrickson puts it, if "war belongs to the realm of necessity, it makes no more sense to pass moral judgment on it than it would to pass moral judgment on catastrophes occurring in nature." [See David C. Hendrickson, "Twenty Years of Michael Walzer's *Just and Unjust Wars*," in *Ethics and International Affairs*, Vol. II (1997), pp. 19-20].

34. Cf. Gary Ulmen, "The Military Significance of September 11," in *Telos* 121 (Fall 2001), pp. 174-184.

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Geneva conventions, soldiers must wear uniforms, carry arms openly, display rank, and act at the behest of a sovereign authority bound by the laws of war. None of this is true of terrorists. Moreover, while the Geneva conventions require prisoners of war to give name, rank, and serial number; terrorists often use aliases and have no state-sanctioned rank and serial number. Also, at the conclusion of hostilities, legitimate soldiers are required to lay down their arms and return to civilian life. If a terrorist is released, he returns to the terrorist network. This means that terrorists are not legitimate enemies, but foes, and must be treated as such.

Loose talk about war and international law today only shows that there is no common agreement concerning this quintessentially postmodern war or any postmodern international law. Modern war came into being with the sovereign European state, which had the monopoly of both power and violence. That sovereign state initiated the modern age, which now has ended. After WWI, there was an attempt to criminalize aggression, meaning the side that took the first shot. That doctrine was already an indication that the European system had collapsed, since in that system both offensive and defensive war were considered legitimate.

Today, much of the debate about Iraq has to do with the new American doctrine of preemptive strikes, which, after September 11, seems to be the most prudent course of action. Sitting around waiting for another terrorist attack is not only foolish, but suicidal, since terrorists are prepared to destroy not only their foes, but themselves. This postmodern predicament requires rethinking the concept of war and of international order, which will be possible only when the "war against terrorism" has been won. In the meantime, behaving as though nothing has changed, and that the world is the same as it was before September 11, does not change today's stark reality. Is Donoso relevant today? Absolutely. Not only in relation to the implications of "present global civil war," but also in the need for decision.

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The Unknown Donoso Cortés[1]

Carl Schmitt

When one attempts to place Donoso Cortés in the history of 19th century political thought, one must begin with an apology and many reservations. Here one is dealing with a man whose name is hardly recognized outside of Spain, and evokes political misunderstandings even in that country, because it has become largely a party symbol. In a sense, Donoso was a convert, at least insofar as he began as a liberal teacher of constitutional law and ended as the theoretical herald of conservative dictatorship, which with great prophetic gestures he proclaimed to a liberal century. All the antipathies that are tied to the word dictatorship and that make even the most objective observer suspicious of dictatorship had to coalesce against Donoso Cortés. The Latin maxim "*rumor dictatoris injucundus bonis*" [rumor of dictatorship is unpleasant to the virtuous] can be rightly applied to Donoso and to anyone who attempts to treat him impartially.

I would like to speak in complete impartiality about this remarkable man, to the extent that it is possible within the bounds of a short discussion and is allowable by someone who is not a Spaniard. Thus, no attempt will be made to deal with his political theories and opinions in their entirety, but only to explain his failure. Obviously, it would be easy simply to assert that Donoso had no noteworthy or lasting effect, that today he remains unknown to a broader European public and should be forgotten. This would not only be convenient and simple, it would also be foolish and unjust to leave such an important thinker in the oblivion into which he has fallen.

Actually, the neglect of Donoso is a strange and in no way a simple

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1. "Der unbekannte Donoso Cortés," in *Donoso Cortés in gesamteuropäischer Interpretation* (Cologne: Greven Verlag, 1950), pp. 67-79. Translated by Mark Grzeskowiak.

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phenomenon. During his lifetime, his political and literary success was extraordinarily great all over Europe, particularly between 1849 and 1853. Some of his speeches and writings fascinated the entire continent of Europe, and many witnesses attested to his resonance. In Protestant Germany, the proof of this can be found in comments by Frederick William Joseph Schelling, Leopold von Ranke, and Frederick William IV, all of whom considered the Spaniard to be unusual and great. To this general popularity can be added the many attempts to disseminate his writings. There have been translations in German, French, and Italian, and there have also been numerous attempts to collect selections from his writings and speeches in special volumes. If, despite all this, it is still impossible to presume knowledge of Donoso outside of Spain, then the various reasons to explain his lack of success and the absence of a broader effect can be thought of as interesting problems in and of themselves.

In the first place, reasons can be found in the literary and stylistic characteristics of Donoso's writings. Many of his arguments are couched in the linguistic and literary style of earlier, strongly rhetorical centuries, and oscillate between antitheses similar to those of Jacques Bénigne Bossuet or Joseph de Maistre, which were no longer in favor in an age of romanticism. The constant *fortissimo* of strong words — hideous, bloody, dreadful, frightful, and powerful — tends to wear thin; it becomes tiring and misses the point. Barbey d'Aurevilly immediately recognized and criticized this rhetorical weakness, and Eugenio d'Ors is correct when he speaks of the baroque procession of strong images. To this problem of style can be added the theological character of Donoso's main work, i.e., his essays on Catholicism, liberalism, and socialism,[2] which, unfortunately, are the most disseminated and translated of his writings. All of the magnificent and enthralling passages in this work are obscured by tedious theological expositions. Here Donoso appears as a sort of theological layman, which cannot be said of his speeches or letters, and still less of the man. He proffers comprehensive dogmatic arguments, and thereby places himself in a precarious position, because every professional theologian is his better and can put him in his place. In fact, this happened to the great diplomat in the worst of ways. A French theologian, Abbé Gaudel, who cannot even be compared to Donoso, was able to point out a number of dogmatic misinterpretations and errors in his writings. The theoretician of dictatorship and

2. [Ed.] See Juan Donoso Cortés, *Essay on Catholicism, Liberalism and Socialism Considered in their Fundamental Aspects*, including a sketch of his life and works by G. E. de Castro, tr. by Madeleine Vinton Goddard (Philadelphia: J. B. Lippincott & Co, 1862).

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decisionism, who had taken a stand against the ultimate and most extreme enemy — atheistic socialism — suddenly found himself in a thicket of unforeseeable controversies. These removed Donoso from his own camp and undermined the ground of the remarkable apodictic quality of his rhetorical style. The theology that he proposed as the only solid foundation for political theories contained more possible disputations and distinctions than he could admit to. The role of a theological layman proved to be incompatible with the role of the theoretician of political dictatorship.

Reasons for his unpopularity and failure can also be found in the content of his meditations. The misanthropy contained in some of his writings is too powerful and too deep to be romantically interesting or attractive, as was the case with some 19th century pessimists. Donoso's pessimism is sincere and frightful, and in the last years of his life appears to have been close to madness. The old Goya scarcely painted more hideous and gruesome scenes. For Donoso, man is a disgusting and laughable creature, completely destroyed by his own sins and prone to error. Indeed, if God had not redeemed man, the latter would have been more despicable than the reptile that one crushes underfoot. For Donoso, world history is a ship that reels forward, piloted by a crew of drunken sailors, who dance and howl until God decides to sink the ship so that silence can rule the sea once again. All of this is too horrible to make a 19th century author such as Donoso agreeable and popular. Moreover, it is presented as dogma and as system, rather than as an occasional romantic-pessimistic impression. The political views, which in his letters are presented with such unrestrained animation, appear in his essays in a systematic framework. He appears to his progenitors to be both a systematic politician and even a doctrinaire political thinker, a man who has already something unsympathetic about him before he steps forward with such destructive pessimism and misanthropy. In the 19th century, dictatorship would be accepted by the people only if it appeared in the name of optimism, just as war would be accepted only if fought against an enemy, and slavery would be combatted only in the name of freedom.

Bismarck's emotional reaction to Donoso, as it suddenly appears at one point in his *Gedanken und Errinerungen*, can be explained, I believe, by the singular impression that such a combination of Catholic theology and political system can arouse in a Protestant. After 1870 war, Bismarck was convinced that Austria and France might find common ground in their Catholicism, and thereby forge a closer alliance, and might also have drawn Bavaria into a coalition. Bismarck feared a Catholic system

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of foreign policy. The possibility of such a system appears to have been a dominant theme in Queen Eugenia's political thought, and it led to fantastic plans, all of which were aimed at uniting all the Catholic powers: France, Austria, Bavaria, the Rhinelands, Spain, and Latin America.

The mere thought of such a powerful Catholic network of foreign powers must have been disturbing and worrisome to Bismarck. In my opinion, an important root of the German *Kulturkampf*[3] lay in such fears, albeit one not yet well enough recognized. Bismarck knew of Donoso from the revolutionary years of 1848-49, and, as a conservative Prussian, he was acquainted with Donoso's friend in Berlin, the Russian envoy Peter von Meyendorff. Bismarck also knew of Queen Eugenia and the background of the plan to turn Mexico into a kingdom under a Hapsburg archduke. In particular, he knew how deeply these politicians were convinced that Protestant and Catholic Germany must form two separate states. In this case, Bismarck was rightly concerned about a dangerous enemy of German national unity, just as the idea of a unified Germany appeared to be dangerous and unnatural to Donoso and his friends — an unacceptable folly for Germany and Europe.

Donoso's theoretical views must have brought this Spanish Catholic dislike and mistrust from many quarters. The fact that, when it came to everyday politics, he was in no sense an apocalyptic dreamer or visionary, but rather an exceptionally clear and practical diplomat did not help him. It was only one more reason for his lack of success. If one compares Donoso's political theory with his diplomatic praxis, the result is an incompatible combination of eschatological prophet and ambitious professional diplomat. Eugenio d'Ors has coined an unsurpassed expression for this: *calido retorico, frio politico* [noble rhetoric; witless politics]. Faced with such a situation, theory and praxis must mutually disavow each other. The ideological theses constantly invited comparisons with known facts, and although they were established with an enormous momentum, they were easy to see through. Today, it is not difficult to recognize this, and all too easily to feel above it.

With respect to his battle against atheistic socialism, Donoso opposed Proudhon most of all. He considered this anarchistic socialist to be a devil and an emissary from hell. We can see now that Donoso's battle against

3. [Ed.] The *Kulturkampf* (literally, cultural struggle) was initiated when Bismarck passed laws in 1871-72 aimed at allowing the state to veto the clergy. These laws were in response to the Vatican Council or *Vaticanum* (1869-70), which raised the papacy to the status of an absolute monarchy.

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Proudhon was fought on the wrong front, that the actual leader and arch-heretic of atheistic socialism was Karl Marx. Marx is the real cleric of economic thought, whereas, in retrospect, Proudhon appears to be more of a moralist, who stands fully in the Latin tradition, and whose intellectual energy stems from a moral indignation against the capitalist destruction of the family. The strongest and most intensive criticism of parliamentary democracy and liberalism can be traced to Proudhon. A direct line leads from him to Georges Sorel and to fascism, to the *stato corporativo* [corporate state], and finally to the Soviet system — the present enemy of today's parliamentary democracy. But, in the first years after 1848, Proudhon was at the center of all theoretical discussions regarding socialism, whereas for a long time Karl Marx was unknown in France apart from socialist circles. Today, we can see what Donoso could not see in his theological battle against Proudhon — that he was, in a way, polemicizing against an ally and perhaps even a kinsman, someone who had fought alongside him in his battle against the combination of liberalism and democracy. Donoso did so out of a moral severity that justifiably caused him to be called a "Roman."

The inner contradiction of Donoso's own political situation was stronger and more noticeable than this easily explained false front. Donoso's great theoretical significance for the history of counterrevolutionary theory lies in his abandonment of legitimacy, and his decision to propose a theory of dictatorship in place of a political philosophy of restoration. His antitheses reached the stage of a final battle between atheism and Christianity, between an unbelieving socialism and the remnants of a Christian-European social order. It is at this point in his writings that Donoso becomes apocalyptic and eschatological. But, in concrete reality, he pursued (as "*frio politico*") a political program that one could not imagine even in terms of the magnificent aspects of the Last Judgment. What Donoso actually did was nothing more than support the state coup of Napoleon III. Whatever one thinks of the domestic and foreign policy of this nephew of the great Napoleon, and his attempt to establish a Caesaristic and Bonapartist restoration, it is impossible to support it ideologically with apocalyptic ideas, even if one approves of the coup for particular reasons, and believes it to have been something positive. Here, the discrepancy between pathos and reality is far too great. In reality, Napoleon III's coup resulted from a typical political problem in 19th century Europe, namely, the relation between the executive and the legislature — the struggle between a strong executive and a weak parliament that could not govern, did not wish to

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govern, or allow anyone else to govern. Napoleon III, Bismarck, and Mussolini each solved this question of an executive who is capable of governing in a different way, but their solutions did not require any eschatology. The true, omnipresent and necessary eschatology could be endangered only when combined with this type of political affairs.

The different reasons for Donoso's lack of success could easily give the impression that Donoso was his own worst enemy, and that the oblivion into which he fell is justified. This is not the case. Admittedly, a feigned apology would be pointless, and it is useless to respond to the disparagement and disdain of this important man with polemical overstatement. To a large degree, his literary style is now largely antiquated, his methods have been surpassed, and his arguments have been relativized and repudiated by historical developments. And yet, there remains enough brilliant insights and intuitions to consider him to be one of the greatest political thinkers of the 19th century. A man who foresaw in 1848 that the coming socialist revolution would not break out in London, but in St. Petersburg, and who already in 1848 also recognized that the decisive event of the next generation would be the combination of socialism and Slavic nationalism, is a political thinker of unusual ability, i.e., someone in whom the ideal motives of men could be recognized in their ultimate political consequences in a combined historical construct, and who deserves to be heard, even if he loses himself in theology and a style now antiquated. To this can be added the fact that he formulated all the decisive positions in the history of the critique of modern parliamentary democracy.

In particular, Donoso recognized the essence of the problematic of bourgeois discussion in that he defined the bourgeoisie as a "discussing class," and made great efforts to oppose a state based on discussion with one based on decision. That remains a great theoretical and political accomplishment. Above all, Donoso has the singular significance of having recognized the central concept of every great politics — the distinction between friend and enemy — in a time dominated by the relativistic disintegration of political concepts and antitheses, and by ideological deceit. He clung to this concept through all the disingenuous and deceptive blurring of political distinctions, and tried to determine the great historical distinction between friend and enemy in everyday politics. Donoso's views were shaped by his Spanish Catholic heritage and his distress with the evolving capitalist Europe. Moreover, his ideas were not affected by any personal lust for power or any cruelty, but rather reflected his true humanity, which made him such an endearing person.

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This philosopher of radical dictatorship said that he did not have the toughness to be a dictator — a testament for, not against his theory, because it proves that Donoso's ideas of struggle and decision were not derived from the personal malice of a misanthrope, but rather from his observation of political matters and the actual political situation. On the personal level, Donoso was a liberal in the best sense; in fact, he was a better, more essential liberal than were some of his humanitarian-moralizing enemies. After all, the actual home of all liberal qualities is the individual-personal sphere, not ideas of politics and the state. The time has come to recognize this unusual and sympathetic man in his purity and greatness as an important figure in the European history of ideas, to cease to dwell on his deficiencies and the inadequacies of his presentations, and to recognize the exceptional phenomenon of a singular political intuition rooted in secular horizons.

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Donoso Cortés in Berlin (1849)[1]

Carl Schmitt

The *Kreuzzeitung*[2] published the following tribute to Donoso Cortés in a dispatch from Paris on May 4, 1853: "Not only Spain, but all of Christianity has suffered a great loss as a result of the death of the Spanish envoy to the court of Louis Napoleon, which occurred shortly after 9 p.m. yesterday. Don Joaquin José Maria Donoso Cortés, Marquis of Valdegamas, was born in 1809. If I am not mistaken, he was still in his prime, and belonged to the distinctive group of Catholic statesmen that is already the best representative of the Catholic King of Spain. When deep Catholic faith is joined with such extraordinary diplomatic talent, as was the case with the recently deceased Donoso Cortés, statesmanship attains a stature far beyond the borders of its country. One wanted to call this statesman a Spanish Montalembert,[3] but that would be almost an insult to him. Montalembert may be a Catholic party leader, but he is no Catholic statesman, and today he is still considered too much of an inveterate Orleanist. You

1. "Donoso Cortés in Berlin (1849)," in *Donoso Cortés in gesamteuropäischer Interpretation* (Cologne: Greven Verlag, 1950), pp. 41-66. Translated by Mark Grzeskowiak.

2. [Ed.] The *Kreuzzeitung* was the chief organ of the conservative aristocratic party, the *Kreuzzeitung* Party. The newspaper attacked democracy and supported the rule of estates, primarily the Junkers.

3. [Ed.] Count Charles Forbes Réne de Montalembert (1810-1870) was a French publicist and historian. He wanted the Catholic Church to be free from state control. He also thought that it should be more open to new ideas. Seeking a compromise, he and other Catholics decided to accept the so-called July Monarchy in return for a free hand concerning secondary education. The Bishops were won over by Montalembert's plan. To achieve this end, in 1840 Montalembert bought the great Catholic newspaper, *L'Univers*. When the Catholic Church condemned Montalembert's liberal views, he recanted them, but did not really give them up. He was opposed to Louis Napoleon's regime, which had come to power in 1840, and celebrated its fall after 1848.

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will remember the deep and lasting impression that Donoso Cortés' speeches and writings made, and how they were also highly regarded by non-Catholic conservatives, and were viewed as a powerful weapon against revolution! You had the opportunity to get to know this remarkable man in Berlin; Spain could not have been represented by anyone better. He has been accredited in Paris since March 28, 1851. His brother, who was summoned here from Madrid by telegraph, found him dead."[4]

Considering these words, one might believe that Donoso Cortés had a successful career in Germany, despite the fact that he spent less than one year in Berlin — from February to November 1849 — as Spain's authorized representative. In fact, his political accomplishments, insofar as they pertained to Prussia or Germany, were as if they had been "written on the wind." His speeches in Berlin were admired. The king quoted his statement on the Frankfurt National Assembly, which had originally been made in Madrid on January 30, 1850.[5] But he was remembered as having been weak and disconsolate. The man who translated his writings and attempted to introduce him to a German literary public, Franz Joseph Buß, had a highly problematic and repulsive personality, and could hardly gain the Catholic Spaniard much interest or sympathy. Karl Biedermann describes Buß as a sort of "crude" Ultramontane, by comparison with such "great Ultramontanes" as Ketteler and Döllinger.[6] Karl Freytag characterizes Buß as the "most loathsome of all the Ultramontanes," and the article on Buß in *Allgemeinen Deutschen Biographie*[7] is probably the worst biography in an academic work; he is characterized by such strong

4. An important source — the official reports sent by Donoso to the Spanish government in Madrid — is not yet available. The following account will therefore rely on Donoso's published letters as they appear in the Spanish edition of his collected works, *Obras de Don Juan Donoso Cortés* (Madrid: San Francisco de Sales, 1903-04), hereafter cited as *Obras*; the French edition, *Oeuvres de Donoso Cortés . . . publiées par sa famille; précédées d'une introduction par M. Louis Veuillot* (Paris: Auguste Vaton, 1858-1959), hereafter cited as Veuillot; and Count Adhémar d'Antioche's publication of 1880, hereafter cited as Antioche. In my experience, the Spanish edition is less common in Germany, thus I will refer mostly to the Veuillot edition. Edmund Schramm has determined that the abovementioned official reports add little new to Donoso's letters. Having said that, the six diplomatic reports sent by Donoso from Paris, to which Schramm has provided an introduction, are of extraordinary interest. See *Iberoamerikanisches Archiv*, Vol. XI (1937), pp. 14-38.

5. Cf. Otto Hoetzsch, *Peter von Meyendorff: Ein Russischer Diplomat an de Höfen von Berlin und Wien; politischer und privater Briefwechsel, 1826-1863* (Weimar: 1921/ Berlin and Leipzig: W. de Gruyter, 1923), Vol. 2, p. 282.

6. See Biedermann, *Erinnerungen aus der Paulskirche* (Leipzig: G. Mayer, 1849).

7. See the article by Schulte, Vol. 47, p. 407. The standard opinion of Buß is unjust and influenced far too much by this article in *Allgemeinen Deutschen Biographie*.

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expressions as cynical, deceitful, and psycho-pathological.

Whatever one might think of Buß, having been celebrated by him in Germany does not leave one in a very good position. Much more important and even dangerous for Donoso's ongoing image in Germany, however, is a remark Bismarck makes in his memoirs,[8] where he relegates this Spaniard's name to a region so filled with disturbing emotions that to many good Germans it represents a kind of hell. Bismarck asserted that in 1870 the pope had counted on France's victory over Germany, and had considered the defeat of evangelical Prussia a gain for Catholicism. Papal relations with imperial France, namely, with Queen Eugenia, were most amicable. "Perhaps *gesta Dei per Francos* [God's deeds for France] could have been enriched by some new advances in papal power and the ending of creedal struggles, which, in the opinion of Catholic writers (Donoso Cortés de Valdegamas), ultimately must be fought 'on the sands of Mark Brandenburg,' would have been supported in various directions by a dominant French influence in Germany." Bismarck believed that Austria and France were growing closer together on the common ground of Catholicism, and that they would seek revenge after the war. The fact that the name of Donoso Cortés is referred to in this connection — a name strange and foreign to most readers of Bismarck's memoirs — is a sign of Bismarck's deepest instincts and a noteworthy aftereffect of the years of revolution."

Donoso arrived in Berlin on February 22, 1849. His mistrust of Prussia and aversion to Berlin had been decided long before he arrived, and were only strengthened by his stay, as it became more and more apparent that a bloc of northern anti-revolutionary states — Russia, Prussia, and Austria — would not be formed. The Catholic Spaniard found the political and intellectual atmosphere in Berlin unbearable, and he was happy when he could flee the city for Dresden, because of the threat of an epidemic. The only person close to Donoso in Berlin was the Russian envoy, Baron Peter von Meyendorff,[9] whose political efforts, insofar as they pertained to Germany, were based on a counterrevolutionary policy of peace

8. [Ed.] Cf. Otto von Bismarck, *Gedanken und Erinerrungen* (Stuttgart: Cotta, 1922); and Otto Bismarck, *Reflections and Reminiscences* (New York: Harper Torchbooks, 1968).

9. Hoetzsch has published Meyendorff's correspondence. Donoso is mentioned twice in Hoetzsch, *Peter von Meyendorff, op. cit.*, Vol. 2, on pp. 274 and 283. Meyendorff calls Donoso the "Spanish Montalembert," praises his speech of January 30, 1850, and adds: "que Metternich et Montalembert, que Ranke et Schelling en raffolent" [that Metternich and Montalembert, Ranke and Schelling are mad about him].

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between Prussia and Austria, and on maintaining the German dualism. Meyendorff had an interesting influence on Prussian conservatives. He called Bismarck his friend, and brought him the reports by Leopold von Gerlach (who often refers to Meyendorff in his *Denkwürdigkeiten*[10]) on Austrian plans and achievements. This was done to intimidate the king and to thwart the constitutional plans of Josef Maria von Radowitz,[11] i.e., German unity and a federal state under Prussian hegemony.[12]

Therein lay an antagonism between Donoso and Radowitz. True, in the beginning (in a letter dated April 26, 1849), Donoso called Radowitz one of the most important men of his time.[13] But later, Donoso saw the triumph of revolution in Radowitz's decision to make himself the representative of constitutionalism. Now, he called him a frivolous man, and believed that Radowitz would take note of how little the Spanish representative thought of him.[14] Count Raczynski, the Prussian envoy in Madrid and Donoso's personal friend, had never trusted Radowitz, and considered him a liberal along with Bunsen, Vincke, and Gagern.[15] Despite being a devout Catholic, Radowitz was no friend of the Jesuits; he deplored the re-establishment of the Jesuit order, and thought that the creation of a Catholic party would be a misfortune for Germany.[16] The common Catholic conviction and common struggle against liberalism and unitarianism thus did not suffice to establish a common bond or even a friendship between

10. *Ibid.*, p. 222: "annoyed by this endless imitation of Belgium, a deputy on the Right, my friend Bismarck, answered him."

11. [Ed.] Radowitz (1797-1853) was a Prussian general and statesman, who became an early friend of King Frederick William IV. After May 1848, he became responsible for Prussian foreign policy, and on September 27, 1850, he became Minister of Foreign Affairs, although he soon resigned over disagreements with the king about Austria.

12. The following agreement is characteristic. Gerlach notes in his *Denkwürdigkeiten aus dem Leben Leopold von Gerlachs* (Berlin: W. Hertz, 1891-92), Vol. 1, p. 333 (June 9, 1849): "Instead of keeping a firm hold on Austria at all costs, thereby making unity possible, one tries to push it out of Germany with this unsound politics of hegemony. What would then happen if this were achieved? Austria would be forced into a close alliance with Russia, and because they could receive no lasting protection from Prussia, the southern German states would turn to France." Donoso makes a similar comment on June 9, 1849. See Antioche, *Oeuvres*, *op. cit.*, p. 90.

13. See Veuillot, *Oeuvres*, *op. cit.*, Vol. 2, p. 44.

14. See Antioche, *Oeuvres*, *op. cit.*, p.147.

15. *Ibid.*, p. 101.

16. Friedrich Meinecke, *Radowitz und die deutsche Revolution* (Berlin: E. S. Mittler, 1913), pp. 164 and 535. On the Curia's dislike of Radowitz, see p. 538, and on Meyendorff's politics, see pp. 395, 428, 437, and the note on p. 474. On Meyendorff's comments on Radowitz ("a great comedian"), cf. Hoetzsch, *Peter von Meyendorff*, *op. cit.*, Vol. 1, p. XLIV, and Vol. 2, pp. 176, 287, 306, etc.

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Donoso and Radowitz. A Spanish Catholic like Donoso could find little approval among Berlin's orthodox Protestants. Then, too, Spain's political relevance was negligible from the perspective of Prussian foreign policy, and the political objective that was closest to Donoso's heart, namely, protection of the pope and the papal states, was much too foreign or even unsympathetic for the Prussians to have taken a special interest in the Spanish diplomat. So Donoso remained alone and unsuccessful in Berlin.

The "nebulous rationality" of Hegelian philosophy was abhorrent to Donoso, and he never understood the religiosity of devout Protestants. Friedrich Julius Stahl's philosophy of the state apparently made no impression on him, and he found the habits of the Prussian court incommensurable. He believed he would suffocate in Berlin. Prussian politics, with its goal of profiting from revolution in order to establish Prussian hegemony, and even of preserving the old concepts of monarchy, authority, and orthodoxy, seemed impossible and disastrous. For Donoso, German unity was essentially a matter of revolutionary democracy, whereas the German monarchy could be maintained only through a federation of states. If the Prussian government, with the help of revolution, endeavored to unify Germany under Prussian leadership, it appeared to him that the outcome would have dangerous repercussions, not only because of the association with revolution, but mostly because of the impact on foreign policy. Neither England, nor France, nor Russia could accept a unified Germany, which Donoso felt was the central question around which contemporary European politics revolved. This was particularly true for Russia, because a strong democratic Germany would rob it of its influence in Europe and push it back toward Asia. The development of a powerful state in the center of Europe was a sure sign of an impending European war. Therefore, he found the idea of German unity an impossible democratic illusion, damned from the perspective of good sense and historical experience: "*una idea condenada juntamente por la razon y por la historia.*"[17] Donoso could conceive of Germany only as a federal union consisting of two separate nations: southern Catholic Germany and northern Protestant Germany.

Prussia — the state to which Donoso was accredited as diplomatic

17. See *Obras*, *op. cit.*, Vol. 5, p. 23; and Veuillot, *Oeuvres*, *op. cit.*, Vol. 2, p. 19 (letter of March 14, 1849). The addition here is both noteworthy and characteristic, i.e., it is precisely the absurdity of the idea of German unity that makes it attractive for democracy, because democracy loves absurdity. A Roman Catholic position *vis-à-vis* democracy can be ascertained when this type of comment is compared to a number of similar statements by Charles Maurras.

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representative — along with its ruling family, appeared to him an *prodigium* [omen] in the history of nations. The moment he begins to talk about Prussia, one hears a strange mixture of amazement, fear, admiration, and alienation. Prussia is not a state like others, which became integrated into the rhythm of Europe's development with a certain historical equilibrium and then went their own way. Instead, over the course of a few centuries, Prussia inexplicably and irrevocably had arisen from a sick, eastern barbarism. Everything came together to help Prussian expansion and greatness, but in a highly secretive fashion: loyalty to contracts and the willingness to breach contracts; victories and defeats; magnificent virtues and low perfidies; at times its kings were great and at other times its people. When one of these qualities failed, another was readily available to move Prussia forward. But the essence of Prussia's historical greatness remained its *Protestantism*. Donoso felt that Prussia would grow and decline with its Protestantism, and that it was the secret of Prussia's life and eventually would be the secret of Prussia's death.[18] Three years after his stay in Berlin, Donoso made the following confession to his friend Raczynski: were it not out of concern for him, he would have attacked the Prussian king in parliament. "I am a friend neither of Prussia nor of its politics and expansion; I am not even a friend of its existence. I believe that from the moment of its birth Prussia was consecrated by a demon, and I remain convinced that, owing to a mystery of its history, it will forever remain consecrated to this demon."[19] This astounding comment is even more remarkable, considering that it was made to a Prussian envoy.

Despite this aversion, and despite his psychological depressions, Donoso followed everyday politics and the struggle of political principles in Berlin with great clarity. His sense for revolutionary events was sharpened by his experiences of numerous Spanish revolutions. Already in March 1849, shortly after his arrival in Berlin, he sketched a striking picture of the situation in Prussia and Germany. He was amazed by the laughable helplessness that such a well-grounded government as Prussia's was having with respect to such a harmless thing as the German parliament. During his first audience with King Frederick William IV, Donoso warned him against a monarchical mind-set of blind trust in the rural population. Like Radowitz, the king had tried to explain revolution with the help of a primitive class theory, in which the cities were held to be revolutionary and the countryside

18. Letter from Madrid (May 23, 1849). See Veuillot, *Oeuvres*, *op. cit.*, Vol. 2, p. 82.
19. Letter from Paris (May 24, 1852). See Antioche, *Oeuvres*, *op. cit.*, p. 306.

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faithful to the monarchy.[20] But Donoso felt that the Prussian government must save itself, and that it should not count on the peasants.[21] He viewed the king as a sad example of romantic disorientation. In a sort of religious delusion, the king considered himself the representative of God; consequently, he was no longer receptive to any instruction. He weakened the strength of the counterrevolutionary parties with his contradictory moods and tendencies. He loathed revolution, but felt it was his responsibility to provide a constitution for his people. Later, he imposed that constitution by force, which was not done out of fear. It was, rather, a well-calculated system intended to destroy liberalism by promoting democracy, and to rescue an absolute monarchy with the help of the military and martial law.

It is interesting that the Spanish Catholic had hardly anything to say about the king's religious beliefs, his upright sense of Christianity, and his real hatred of revolution and liberalism. The particular facets of Prussian politics were of as little interest to Donoso as were his own Catholic ideas to Prussian politics. However, he recognized that the king's behavior might appear unified and consequential from a Prussian-German viewpoint. Some comments indicate that Donoso did not feel everything could be explained by mere reproaches of the personal weakness of the king: "the saddest aspect of this whole sad situation."[22] The Spaniard was too experienced in revolutionary political techniques not to see that the imposed constitution of December 15, 1848 had placed power in the hands of the imperial government at the decisive moment. Donoso immediately points to the special authorizations, and to articles 105, 108, and 110, according to which, with the help of the emergency decree, all the most important decisions, such as independence from budgetary approval and, above all, power over martial law, would remain in the hands of the imperial government. He stresses the fact that the 1848 Prussian constitution was the product of a deep calculation. Yet, given his clear political

20. Joseph von Radowitz, *Gesammelte Schriften* (Berlin: G. Reimer, 1852), Vol. 4, p. 145.

21. Letter dated March 15, 1849, in Antioche, *Oeuvres*, *op. cit.*, p. 71. In another connection, Donoso advanced the remarkable thesis that a socialist revolution would be all the more radically socialist the less tradesmen there were in the countryside. (Letter from Berlin dated May 30, 1849, in Veuillot, *Oeuvres*, *op. cit.*, Vol. 2, p. 26.)

22. The studies of Lenz, Oncken, Rachfahl, Meinecke, and Brandenburg have shattered the once obligatory opinion of Frederick William IV (which apparently was accepted by Donoso). It is no longer possible to explain the various actions and decisions of the king by referring to his moods and lack of decisiveness. The literature dealing with this question can be found in Elisabeth Schmitz, "Über Edwin von Manteuffel als Quelle zur Geschichte Friedrich Wilhelms IV," in *Historische Bibliothek*, Vol. 43 (1921), pp. 7ff.

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sense, he found it incomprehensible that the king could have such a wildly romantic notion of the Prussian bureaucracy.[23] In his opinion, a wonderful instrument like the Prussian bureaucracy could protect bourgeois freedoms better than the institutions that had been designed specifically for this purpose in other countries, and it should be left to function in peace. The king, however, saw something hostile to his kingdom in the Prussian bureaucracy, and was convinced that he could have some sort of direct relation with his people and still maintain the old monarchy.[24]

For Donoso, the Frankfurt National Assembly was a product of revolutionary principles. He knew that it counted exceptional politicians and scholars among its members, but he only had contempt for it as a political factor. He immediately recognized its lack of any executive, and that it tried to offset its helplessness with a flood of words. But he also recognized its hidden ambition and need for power, which it did not trust itself to administer, although by 1849 it was already harmless. With a derision that could not have been outdone by Karl Marx, Donoso said of this assembly that the only reason it had not been dissolved yet was that no one knew who was responsible to dissolve it. Employing his great rhetorical style, he captured the fate of the assembly in a single sentence: the German people first acclaimed and prayed to the National Assembly as if it were a goddess of freedom, yet one year later they let it perish like a prostitute in a tavern: "*commo una prostituta en una taberna.*"[25]

Donoso summarizes the overall picture of political powers by arguing for the distinction of three tendencies in Prussia: an intransigent,

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23. See Veuillot, *Oeuvres*, *op. cit.*, Vol. 2, p. 36. Leopold von Ranke notes that it is important to recognize that the king rescued the financial existence of the Prussian state and the power over the army. Cf. *Aus dem Briefwechsel Friedrich Wilhelms IV. mit Bunsen* (Leipzig: Duncker & Humblot, 1873), pp. 371-372. Edwin von Manteuffel confirms this opinion in August Wilhelm Dove, *Ausgewählte Schriften vornehmlich historischen Inhalts* (Leipzig: Duncker & Humblot, 1898), pp. 243-244, and Schmitz, *ibid.*, pp. 26-27. Gerlach also mentions this, but does not discuss martial law in his *Denkwürdigkeiten*, *op. cit.*, Vol. 1, p. 359. Cf. Friedrich Meinecke, *Weltbürgertum und Nationalstaat: Studien zur Genesis des deutschen Nationalstaates* (Munich and Berlin: R. Oldenbourg, 1917), pp. 374 ff. This opinion does not appear in Gerhard Anschütz's commentary, *Die Verfassungsurkunde für den preußischen Staat* (Berlin: O. Häring, 1912), Vol. 1, pp. 44 ff., and particularly p. 53.

24. See Veuillot, *Oeuvres*, *op. cit.*, Vol. 2, pp. 33-34.

25. This sentence, which is taken from a speech on the general situation in Europe delivered on January 30, 1850 (in Veuillot, *Oeuvres*, *op. cit.*, Vol. 2, p. 406) made an impression on Frederick William IV. The king quoted it in an audience with Meyendorff on March 24, 1850. See Hoetzsch, *Peter von Meyendorff*, *op. cit.*, Vol. 2, p. 283. Veit Valentin begins the second volume of his *Geschichte der deutschen Revolution von 1848-49* (Berlin: 1931/Aalen: Scienta Verlag, 1968) with this sentence.

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conservative aristocratic party; a well-situated, liberal bourgeoisie searching here, as everywhere, for a *juste milieu* [happy medium or middle course]; and, finally, a strong demagogic proletarian current, in league with Polish and Jewish agitators and ambitious intellectuals whose minds had been disorganized and devastated by Hegelianism: the "*causa principalisima del giro radical*" [principal cause of the radical turn]. Donoso's evaluation of Prussian conservatism is typical and worth noting. His opinion is cool, despite the fact that he should sympathize with the conservatives the most, because of their monarchical and counterrevolutionary beliefs. He thought the party was in a dangerous position: as a reactionary party, it had estranged itself from the liberal bourgeoisie, which thereby was forced into an alliance with the democrats; were it less reactionary and somewhat more tolerant, it could enter into an alliance with the bourgeois propertied classes and establish a more or less lasting, but more importantly, stabile government in Prussia; were it more openly reactionary and less dependent on its uncertain king (who always appeared the misfortune of Prussian conservatism), it would become freer and more active; then, the conservatives could bring about a more or less lasting restoration, which would destroy the revolutionaries' fantastic hopes. As it was, however, the party represented only a pretext for revolution, and was incapable of checking revolutionary outbreaks.[26] This opinion was as characteristic of Donoso's interpretive approach to political judgment as it was predictive of a much later situation. Donoso's interpretation of Prussian conservatism was not valid in 1849, when the monarchy was still strong. But it was valid for a time when the monarchy had suffered a decisive blow.

That may also explain why in Berlin Donoso did not arrive at his last, desperate antithesis, which determined his place in history: the notion of an immanent and catastrophic final battle between Catholicism and atheistic socialism. Powerful antitheses began to appear in 1848, but, in the critical judgment of Barbey d'Aurevilly, often only as an expression of his decisionist nature, and as characteristics of his rhetorical-epigrammatic style. Still, the antitheses did not yet reach their ultimate eschatology in Berlin, and Donoso's favorite words had not yet begun to accumulate: *maravilloso* [wonderful], *misterioso* [mysterious], *tremendo* [tremendous], *radical*, *soberano* [sovereign], *supremo*, *terribile*, *profundisimo* [profound], *absoluto*, *perentorio* [urgent], *sangre* [blood], and *decisivo*. He did write to Montalembert[27] that he believed Europe's social order

26. See Veuillot, *Oeuvres*, *op. cit.*, Vol. 2, p. 11.
27. *Ibid.*, Vol. 2, p. 123 (letter dated July 21, 1849).

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had been struck a decisive blow and was dying, because it was not Catholic and because Catholicism means life. He also added the addendum to his famous comment that Europe will become either Muscovite or republican if it does not become Catholic. But one cannot say that it was in Berlin that his thoughts reached their utmost intensification; in Berlin, he appears to have become a little weary.

In any case, the arena for the important intellectual and social decisions was Paris, not Berlin. The Prussian kingdom was still strong, and the greatest development of its power was yet to come. Members of its royal house were far removed from the ghostly meaninglessness that became manifest among members of France's former ruling family in 1848. Prussia had not yet reached the point at which (as Bismarck once remarked) the "existence of the monarchy and the fatherland are at stake." Berlin at that time lacked any instance of atheistic socialism that would have matched Donoso's essential hypothetical opponent: Proudhon. In brief: in 1849 Berlin was neither politically nor intellectually the site where a dictatorship would have its great historical significance. The impact of 1848 — the real panic — had already been overcome. The political and moral forces of Prussianism were so robust that an anxious and principled either-or would not have been understood. When Donoso now spoke of the death of European freedom and of the difference between a Catholic and a "philosophical" social order, as he had done since 1848, it was still a result of the general impact of 1848, i.e., not a result of his stay or his experiences in Berlin. The disjunctions he made in Berlin lack the almost apocalyptic terror that they acquired two years later in Paris. Only there, in the classical arena of European political ideas, did he utter the most extreme statement of the 19th century: "*llega el dia de las negaciones radicales y de las afirmaciones soberanas*" [the day of radical negations and sovereign affirmations is approaching].

The best measure of Donoso's development during these years can be seen from his judgment of England. Anyone who considers a common European politics must confront the unavoidable and unsolvable problem of England's relation to the Continent. Donoso was anything but a Don Quixote of abstract principles, and his opinions changed with the changing nature of foreign policy. His sense for foreign policy is astounding, and his adaptability (despite his rhetorical theses) is amazing. The young Donoso was a progressive, and he considered the English constitution a model for all constitutions. But the revolution of 1848 had taught him that the European continent was entering an epoch of social revolutions, and

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that, consequently, English politics faced a new problem. He now considered England the instigator of revolutions on the continent: "*l'Angleterre, cette éternelle instigatrice des révolutions.*"[28] Because of the experiences of Spanish history, Donoso knew the comprehensive technique that allowed England to induce and to support revolutions. But again, in a typical anticipation of a much later situation and as a result of the 1848 experience, he hoped that England would recognize its true interest in the fight against European revolution, and that she would eventually recognize her natural conservative spirit. Before he left Berlin, in a speech on dictatorship delivered January 9, 1849, Donoso considered it possible that England — in contradistinction to France — would recall its anti-revolutionary tradition and enforce its conservatism on the Continent as well.

Donoso's impressive speech on the overall situation in Europe, delivered at the Madrid congress on January 30, 1850, which both Leopold von Ranke and Frederick Schelling admired, is indicative of an important change that took place during his stay in Berlin and of the actual outcome of his sojourn there. His conclusion did not concern Prussia or Germany, but rather Russia. A new enemy of European civilization had appeared: the possible union of revolutionary socialism and Russian politics.[29] Now, Donoso celebrated England as the last hope for Europe, as the ultimate protection against the overwhelming power of Russia and revolution. No European nation, not even Russia, had the power to resist this combination. Whereas, in Berlin, on April 3, 1849, he had written that only an alliance with Russia could save Spain from England's claws, now he celebrated England as the salvation of Europe from the Russian danger. The picture he sketched in this speech is the most remarkable of his interpretive predictions: first, the revolution will dissolve all standing armies; then, socialism will destroy feelings of patriotism and reduce all antitheses to that between the haves and the have nots; then, after the socialist revolution, all national feelings will be destroyed, the Slavic peoples will be united under Russian leadership, and all that will be left in Europe will be the antithesis of the exploiters and the exploited. Then, Russia's great hour will have come, and with it the great chastisement of Europe, above all England, the colossus that holds Europe with one hand and India with the other. But that will hardly be the end of the chastisement, because the Russians are not like the Germans, who renewed European civilization during the *Völkerwanderung* [migration of peoples].

28. See Antioche, *Oeuvres*, *op. cit.*, p. 79.
29. See Veuillot, *Oeuvres*, *op. cit.*, Vol. 1, p. 384.

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Russia's aristocracy and government are just as corrupt as their counterparts in Europe; after her victory, Russia will carry the poison of old Europe in its blood, and eventually will die and rot from it.

This speech also contains an odd prophecy that suggests revolution will break out in St. Petersburg before it does in London. Thus, only England could be the salvation of Europe from the revolutionary-communist-Russian deluge, albeit a monarchical and conservative England, i.e., for Donoso, a Catholic England.[30] It should be added — in order to complete this line of thought without having to provide a comprehensive picture of Donoso's changing views on foreign policy — that two years later, in January and February 1852, England again appeared to him the scourge of Europe, meaning that France was the only political option left to unify the European Continent against England, and to expel this constant agitator, and with it democracy, from the Continent.[31]

What remains constant in this change of views is the interest in a theological state and in papal sovereignty. Otherwise, Donoso follows everyday shifts in the political situation. In no way does he feel compelled by a fixed system of foreign policy. Neither England nor Russia, a conservative power and an unquestionable ally, is always the enemy. One has often the impression that here Donoso, in his need for clear groupings, is trying to generate a foreign policy antithesis in which two powers: the one, a representative of traditional order; the other, a revolutionary state, face off each other as revolutionary France had against England in 1793 or as Bolshevik Russia did against England after 1918.

But this type of grouping did not appear in 1848. It would have required a real simplification at the conceptual core of the matter for Donoso to presume it at the time. But historical development required more time than the construed intellectual spirit of the Spanish Catholic had, and political reality had not yet reached the decisive point. Donoso had considered and then rejected all European powers — Russia, England, Austria, and France — as possible vehicles for the counterrevolutionary battle. Only *Prussia* remained too strange and incomprehensible to him, despite the fact that there the strongest reserve of traditional concepts had been organized politically, and that, half a century later, it was precisely Prussia against which the entire world would enter into a coalition in the name of democracy. Donoso could not foresee that, and he remained committed to France and the dictatorship of Napoleon III. It is obvious to me

30. *Ibid*, Vol. 1, p. 400.
31. *Ibid*., Vol. 2, pp. 391ff. and 404ff.

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that this fixation was not final, and that Donoso had to abandon it after he had experienced the later course of Napoleon's politics.

Donoso's support of Napoleon III, and the fact that his most important efforts were aimed at winning international recognition for him, again immediately generated opposition to the Northern conservative powers: Russia and Prussia. As a matter of principle, which was no less valid than that of the Spaniard, at first these two powers refused to acknowledge the *usurper*, and later, during the Crimean war, Frederick William IV declared that he would never again ally himself with the sword of Islam against a Christian power.[32] This was also thought to be principled and Christian, and the opposite of a revolutionary politics. It helps illustrate the difficulties faced by a conservative European politics. Conservatism is by nature tied to historical differences, and in Europe it is bound to religious and national differences. At present, there is no European conservatism, and in 1848 such a concept was almost fantastic. All valuable and specifically conservative elements in Europe — religion, language, tradition, and education — have developed from theological, political, and national differences. Catholic royalism of the Roman type, the dynastic feeling of evangelical Prussia, and the combination of Russian orthodoxy and tsarism constituted three different religious and national conservative powers. They could never have built a homogeneous union comparable to the international revolution, whose rationalism was capable of destroying traditional inhibitions with mechanical simplicity.

A man whose spirit moved forward with such remarkable anticipation, and whose essence and character remained in the Catholic tradition, after 1848 must have been as aware of the common danger as he was of the futile impossibility of a common European conservative action. The most important result of Donoso's sojourn in Berlin was his change of opinion with regard to Russia, and his recognition (which hardly anyone at that time had sensed) that Russia was in no sense the secure bulwark of European conservatism. Now, there was only one way to be saved: dictatorship. This was a concept that the Roman spirit of this Spaniard could grasp quickly, and that was in accord with his decisionism, whose real energy lay in a revolutionary democracy and in a system of conservative ideas and feelings that could enter only from the outside as a foreign element.

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32. Dove, *Ausgewählte Schriften*, *op. cit.*, pp. 262-263.

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A Pan-European Interpretation of Donoso Cortés[1]

Carl Schmitt

I

"The men of the German National Assembly in Frankfurt in 1848 wanted to create an empire whose very existence would be tantamount to a European revolution." This sentence was written in 1849. Its author, Bruno Bauer, will appear again in what follows. Thereafter, another empire was founded, whose very existence was tantamount to a world revolution.

The 1848 revolution was in fact a European event. This was due to its geographical setting, to the participation of the French, the Germans, the Italians, the Czechs, and the Hungarians, to the mixture of involvement and non-involvement of the English, and, above all, to the struggle over the historical-spiritual meaning of this momentous outbreak. With a single blow — when the first signs of a proletarian-atheist-communist movement became visible — all the harmonious accords that had been achieved by European liberalism since 1830 were torn apart. A completely new problematic appeared under completely new slogans: socialism, communism, anarchism, atheism, and nihilism. The panic was great, but the terror quickly passed. Public, i.e., external peace, security, and order were soon restored. In the course of one and a half years, the armed revolts were suppressed. The restoration of order proceeded with historical legitimacy in Germany and the Hapsburg monarchy, and with plebicitary Caesarism in France. Yet, the difference between dynastic or Caesarist forms of

1. "Donoso Cortés in gesamteuropäischer Interpretation," in *Donoso Cortés in gesamteuropäischer Interpretation: Vier Aufsätze* (Cologne: Greven Verlag, 1950), pp. 80-114. Translated by Mark Grzeskowiak.

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legitimacy was a secondary question, considering the overwhelming fact that every European nation and regime at that time rushed to cover the abyss that had been opened so suddenly and so frightfully.

Donoso Cortés was shaken by the events of the time, and was determined to confront them. What he said about them after his famous speech on dictatorship on January 9, 1849, in speeches, letters, and writings, made his name familiar and famous throughout Europe. Friends and enemies alike considered him the most radical counter-revolutionary, an extreme reactionary, and a conservative of almost medieval fanaticism. But neither for Europe as a whole nor for Spain in particular was he the only one who, given the shock of 1848, turned openly and intransigently against liberalism and the revolution. At the time, numerous liberals and liberalizing types, moderates and constitutionalists of all sorts (at their head Pope Pius IX) took a decisive turn to the anti-liberal side. For this reason, Donoso has been placed in this company; thus, he and his work have been classified as a product of the *terror del 48*.[2]

I do not believe that this explanation and such a classification of Donoso's significance is correct. I will not go any further into biographical details. The historical and psychological contexts have been explored in thorough studies. According to their conclusions, it would be superficial to speak of a panicky conversion on Donoso's part, or of a shocked change of mind.[3] Even before 1848, he was politically conservative and a Catholic Christian. He said the death of his brother in 1847 was the turning point in his inner attitude. If, despite this, he first achieved European stature as a result of the terror of 1848, this cannot be attributed to psychological or sociological motives, at least not the type of psychology and sociology that reduces terror to a mere pathological phenomenon accompanying the loss of a sense of security. This type of psychology and sociology is nothing more than a product of the regained sense of security and

2. See F. Gonzáles Vicén's review of Father Dietmar Westemeyer's book, *Die Theologie in der Politik bei Donoso Cortés* (Münster: Regensbergsche Verlagsbuchhandlung, 1940), titled "Donoso Cortés: Staatsmann und Theologe," in *Literaturblatt für germanische und romanische Philologie* (1943); the so-called "*terror del 48*" reference is attributed to Juan Valera in Don Modesto Lafuente, *Historia general de España* (Madrid: Establecimiento Tipográfico de Mellado, 1877), Vol. 6, pp. 516f.; see Don Antonio Cánovas del Castillo, *Problemas comtemporáneos* (Madrid: A. Perez Dubrull, 1884), Vol. II, p. 187.

3. Particularly the two books by Edmund Schramm: *Donoso Cortés, Leben und Werk eines spanischen Antiliberalen* (Hamburg: Ibero-Amerikanisches Institut, 1935), p. 78; and *Donoso Cortés, su vida y su pensamiento, Vidas españpolas e hispanoamericanas del siglo XIX* (Madrid: Espasa-Calpe, 1936), Vol. 54, pp. 195f.; Cf. Westemeyer, *Die Theologie in der Politik bei Donoso Cortés*, *op. cit.*, p. 16.

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an attendant phenomenon of an interval of illusory security.

I speak here of one of the very few who, in light of the 1848 outbreak, found both the strength of vision and the ability to transmit it. One hundred years separate us. During this century, European humanity ardently endeavored to forget the shock of 1848, and to remove it from consciousness, which was not difficult. Economic prosperity, technological progress, and a self-assured positivism all came together to produce a long and deep amnesia. Maybe there was no need for so many reasons. Generally, people tend not to look for truth or reality, but only for a feeling of security. When the moment of acute danger has passed and the ensuing fear has been surmounted, then every sophism and every triviality becomes true, and every farce is welcome, if only to divert attention from the terrible memory. Above all, the sudden insights that first emerge at the moment of acute danger become annoying and are forgotten, because they disturb the web that conceals the initial shock and covers the abyss.[4]

II

Only the experience of two world wars, the mixture of state war and global civil war, and new forms of terror have brought European humanity once again in contact with the 1848 experiences, and have allowed it to see anew the light of that time — a light that flashed suddenly and then faded just as suddenly. Clearly, the 1848 revolution stalled. But with the Bolshevik breakthrough in 1917, it came to life once again with heightened and unremitting intensity, yet in continuity with the ideas and forces that were already at work before 1848. The 1917 breakthrough was based neither on an arbitrary new program nor on an improvised organization. It had a specific constitution and even a constitutional charter: *The Communist Manifesto*, conceived in London, Brussels, and Paris in 1847, and completed and available before the revolution's outbreak.[5] This signal could be given only because the forces that had led to the 1848 outbreak were already at hand, and were indeed so strong and secure that, despite a

4. From 1844 come the sentences: "For this reason fear grabs hold of the genius at a different time than it does normal people. The latter recognize danger at the time of danger; up to that time, they are secure, and if the danger has passed, they are again secure. The genius is strongest precisely at the time of danger." On the concept of anxiety, see Vigilius Haufniensis [pseudonym for Soren Kierkegaard], *Begrebet angest: en simpel psychologisk-paapegende overveielse i retning af det dogmatiske problem om arvesynden* (Copenhagen: C. A. Reitzel, 1855)].

5. Carl Grünberg, *Die Londoner kommunistische Zeitschrift und andere Urkunden aus den Jahren 1847/1848* (Leipzig: C. L. Hirschfeld Verlag, 1921), p. 33.

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setback of over 60 years, were able to provide the signal for the 1917 outbreak. Here, the continuity is obvious.

The Communist Manifesto is only part of the struggle for the meaning of the 1848 events and of the contemporary European situation. Here, in the case of *The Communist Manifesto*, the continuity is so noticeable and irrefutable that it can always be emphasized and used as an effective argument by socialist and communist authors. In recognition of this continuity, communist authors have a significant advantage — even a monopoly — over other historians, who are unable to come to terms with the 1848 events, and are thus unable to provide a clear picture of the present state of affairs. The dilemma of bourgeois historians is serious. On one hand, they disapprove of the suppression of the revolution, because they do not want to be perceived as reactionary; on the other, they welcome the restoration of stability and security as a victory for order. The inner contradictions of this position were already obvious and generally recognized in 1848. However, in the interval of two generations, one allowed oneself to become blind to this. Today, it is clear that the 1848 intellectual predicament does not obtain only in socialist and communist interpretations. Due to the obscurity that developed in the latter half of the 19th century, non-socialist continuities, and with them important names, were forgotten.[6] It required the stimulus of newer, harsher experiences to bring these deeper-lying continuities to light.

The non-communist continuity with 1848 is supported by three factors: a foreign policy prognosis; a domestic political diagnosis; and a world-historical parallel. All three — prognosis, diagnosis, and parallel — are closely related. Given the fact that Napoleon I was defeated in Russia, and that the victorious Russians marched into Paris in 1814, the foreign policy prognosis was the first to enter European consciousness. In the interval, the cultural diagnosis became a triviality for the educated classes, and only today is the historical parallel being felt.

III

At the core of the foreign policy prognosis is the fact that European powers could no longer consider themselves the masters of the earth. In the 18th century, as well as for Napoleon, Talleyrand, and Metternich, Europe

6. From a world-historical perspective, the darkening of European consciousness is tied to the retreat of Russia (as a result of the Crimean War, 1853/54) and of America (as a result of the War of Secession, 1861/65). It is also tied to the fact that Central Europe emerged through the successes of Bismarck and Cavour in 1860-71.

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was the center of the earth. World politics was European politics; great politics was the politics of the European great powers; international law was European international law, which had been restored by the Congress of Vienna in 1814/1815. Hegel's philosophy of history, which appeared at that time, ended in Prussia and Europe. The two colossi that had arisen in the West and in the East — America and Russia — were noticed in Europe, but their very existence did not shake general European self-consciousness as the center of the earth and the pinnacle of human civilization.

Hegel died in 1831. Only a few years later, *Democracy in America* (1835), by the great French historian Alexis de Tocqueville,[7] pulled the rug out from under Europe's self-understanding, and produced the prognosis that an inevitable democratization and centralization of humanity would be fulfilled in America and Russia. This prognosis has become almost popular since WWII. But at that time, it appeared to Europeans to be unremarkable and, at most, the clever construction of an interesting catastrophe-thinker. Yet, a great German historian, Berthold Georg Niebuhr, had made a similar prognosis, and in 1853 a lonely witness and interpreter of the self-destruction of the German spirit, Bruno Bauer, had made a similar argument in *Rußland und das Germanentum*. Later, after WWI, what had once been Tocqueville's astounding prognosis, became a shrewd diagnosis of the present, of which Guiglielmo Ferreros' 1928 expositions on the unity of the world is a good example. Already in a speech to congress on March 4, 1847, Donoso had said: "Today, there remain only a few nations that can afford to have what is called a foreign policy; only three nations have it, one in America, two in Europe: the United States, England and Russia."

Tocqueville is also the first author who provided a cultural and historical-philosophical diagnosis closely tied to the above-mentioned foreign policy prognosis, and who combined them with a spiritual continuity that ties our present with 1848. For Tocqueville, the 1789 revolution was the symptom of a process of irresistible centralization, which would serve all facets of the state, all political parties, and all ideologies, and would continue unabated. "*La Révolution Française recommencera toujours et c'est toujours la même*" [The French revolution always will begin again and is always the same]. Tocqueville tried to find a place for liberal reservations, and not to lose faith in individual freedom. But his dilemma is

7. [Ed.] Schmitt also wrote an essay on Tocqueville. See "Historiographia in Nuce: Alexis de Tocqueville (August 1946)," in Car Schmitt, *Ex Captivitate Salus: Erfahrungen der Zeit 1945/47* (Cologne: Greven Verlag, 1950), pp. 25-33.]

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unmistakable, especially after his experiences as Louis Napoleon's foreign minister between June and October 1849. At times, his diagnosis already culminates in the vision of a giant anthill and a termite-like humanity.

But in his diagnosis and in his prognosis Tocqueville was concerned mainly with administrative and governmental centralization. American industrial and technological developments were hardly noticed by the French historian, while a German historian, Friedrich List, had already observed it in 1825-30. But, after 1848, it was precisely growing industrialization and the predominance of technology that drove this diagnosis into a pessimistic depiction of the epoch. This became the foil for all of Jacob Burckhardt's works, and his decisive impressions also stem from 1848 and its aftermath. The whole subsequent critique of the age — in a specifically German sense of the word "critique" [i.e., critical analysis] — found its definitive scientific expression in the work of sociologists like Ernst Troeltsch and Max Weber, and its most famous expression in Walter Rathenau's *Zur Kritik der Zeit* [1912]. Their historical categories can be traced back to this diagnosis of a centralizing, industrializing, and mechanizing humanity, whose culmination is a thoroughly-organized *factory* and a just as thoroughly-organized bureaucracy. Despite its completely different evaluation of technology, Oswald Spengler's *The Decline of the West* (1921) is also primarily a coda to this critical European self-diagnosis, whose first great document remains Tocqueville's *Democracy in America*. Here, the intellectual and philosophical continuity that ties our problematic to the forces that erupted in 1848 is obvious.

Donoso Cortés knew of this diagnosis, and he thought it through to its end with utmost intensity. In his speech on dictatorship on January 9, 1849, he saw modern technological inventions, at first the telegraph, to be at the service of a developing administrative centralization. In his speech on the situation of Spain, delivered on December 30, 1850, he spoke of an absolute and apoplectic centralization that would destroy every intermediary corporate body if a single party ever came to power in Spain and occupied everything. Along with the foreign policy prognosis of colossi rising east and west of Europe, and the cultural and historical-philosophical diagnosis of irresistible technicization and centralization, Donoso and other writers saw a great world-historical parallel that first provided the real meaning of the big picture of this European self-interpretation, and shed a multifaceted and illuminating light on it that eclipsed all ideologies. Here, I see the core of all disputes that have filled the last century with rising vehemence until the present day.

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IV

There are numerous historical parallels, and it is natural that they can be the instruments of historical interpretation and a means of contemporary self-interpretation. Today, whoever reads Thucydides' books, Cicero's letters, Lucan's *Pharsalia*, Plutarch's biographies and those of other classical authors will be forced to make numerous parallels with his own time. But all of these parallels are secondary, peripheral, and existentially not binding when compared to the encompassing, fundamental parallel that is central to our era as a whole, and that will remain for as long as it lasts. This is the relation of our present day to the historical turn with which our era began, i.e., the Roman civil wars and Caesarism. In this case, one is dealing with more than a simple parallel, and with more than analogies or Spenglerian homologies. The question posed here is whether the Christian era has come to an end. This question is so profound that everything that at first appears to be a historical parallel is immediately transformed into something completely different. Nevertheless, if we continue to speak of the great historical parallel, we do so solely for the sake of comprehension, and to make a phenomenon that has forced every important thinker over the course of a century to take a position on it visible for our context, and to provide it with a simple definition.

In past decades, it was Spengler's *The Decline of the West* that allowed century-old parallels to appear surprisingly new. Thus, it was Spengler who first made the European public aware of the fact that the age of the Battle of Actium,[8] i.e., the beginning of our own record of time and of the historical turn, is more important than any other moment in world history. Spengler clothed this highly contemporary self-interpretation of the present in the robes of a general theory of the growth of human cultures and in a whole system of historical parallels. He wanted to do more than simply draw mere parallels. But here we need not argue about the meaning of parallels, analogies, and homologies. As great as Spengler's wealth of world-historical perceptions may be, for those familiar with the century-long history of the great historical parallel there is no doubt as to his true subject. Spengler's historical interpretation does not draw its evidence from his general theory of cultural cycles, but rather the reverse; his general theory of culture owes its contemporary actuality to the specific power of a singular world-historical context that since 1848 has forced itself anew on every new generation of European thinkers.

8. [Ed.] The Battle of Actium marked Octavian's victory over Mark Antony on September 2, 31BC.

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No monograph has yet been written on the history of ideas of this remarkable parallel and its diverse and contradictory directions, tendencies, and nuances. Yet, today its essential trends are easily recognizable. A few names and references will suffice to show what is at stake, i.e., that this parallel is the real criterion, even the great touchstone, in the history of last century's ideas. The epochal onset can be found in Saint-Simon's *Nouveau Christianisme* (1825). A specific claim is tied to this programmatic title. The parallel connecting our present era with that of the birth of Christianity is used by Saint-Simon to claim that the age of Christianity had ended, and to proclaim a new *pouvoir spirituel* [spiritual power] that will wrest the upper hand (in a very contemporary manner) from the old *potestas spiritualis* [spiritual power] of the medieval Christian church. This is the first and most important publicly uttered socialist use of the great parallel. Socialism purports to create a new, modern religion, which will have the same meaning for the people of the 19th and 20th centuries, i.e., a new religion for a declining old world.

The argument that socialism and communism represent this new Christianity was made in various ways by numerous authors in the 19th century. Thus, it can be argued that socialism and communism may be considered to be modern forms of true Christianity. But the meaning of this socialist use of the parallel can also be markedly anti-Christian. The entire Christian era then is rejected as dead and reactionary. Proudhon, who liked historical parallels and did not abandon the historical figure of Jesus, compared our present epoch to the one that began with the Battle of Actium, and he speaks of his own time as the *ère actique* [Actique era]. In this respect, he was influenced by Saint-Simonism. Karl Marx, however, hated the parallel. In the introduction that he sent out ahead of his own edition of *The Eighteenth Brumaire of Louis Bonaparte* in 1869 (what is called the 18th Brumaire occurred between Dec. 1851 and March 1852), Marx called "Caesarism" a "commonplace student's phrase in Germany." He hoped that his text would contribute to its removal, whereas in Friedrich Engels' 1900 introduction to Marx's *The Civil War in France,* which occurred between 1848 to 1850, he still made a harmless parallel between socialism and Christianity.

Karl Marx's comment was probably aimed at Bruno Bauer's ample use of the great parallel. Marx sensed something theological, and he did not allow himself to be fooled by Bruno Bauer's murderous attack on Christianity. Bruno Bauer's thought remained Hegelian-theological, and therein lay his superiority, which he did not lose even during his hardest

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experiences of having to earn a living as a journalist. For him, the world-historical parallel that could be drawn between the 19th century and the birth of Christianity became the content of his spiritual existence. Indeed, for Bruno Bauer this parallel became existential, and there lies his greatness in the history of ideas. It brings him close to Nietzsche, and separates him from the intellectual philistine David Friedrich Strauss, whom the young Nietzsche (either directly or indirectly influenced by Bruno Bauer) selected as the first target of his polemical thrust.

David Friedrich Strauss trivialized the parallel.[9] In his book, *Der alte und der neue Glaube* (1846), he compared the then Prussian king, Frederick William IV, whom he considered a 19th century Christian reactionary, to Julian the Apostate, i.e., the 4th century heathen reactionary. Strauss' train of thought became so primitive that it had every chance of becoming a system of belief for the masses: what is old dies, what is new lives; Christianity is what is old; what we believe in today, i.e., progress, freedom of inquiry, etc., is what is new. The practical conclusion is clear: like a museum piece, the whole lot belongs in Vilfredo Pareto's collection of pseudo-logical derivations. [Ernest] Renan, alongside Strauss, is the other mythologist of the life of Jesus, and is infinitely more refined, yet also more pessimistic. Still, the differences between good and bad taste are secondary here; more important is the myth both mythologists believed. The struggle between new and old is a mythological theme in every age: Chronos versus Uranus; Zeus versus Chronos; Hercules versus Zeus and the giant Thurios, the Germanic Thor; the green dragon versus the red dragon. This myth is reduced to the banality of a self-satisfying form of contemporaneity with both progressive critics of the Bible, Strauss as well as Renan. Naturally, here Strauss goes further. For him, the new is extraordinarily satisfied with itself and its time. With a victorious demeanor, he became increasingly content with the reprieve, during which he could appear to assume the role of the new. Primitive it was, but all the same predestined to become the mass myth of a positivist century.

The actual opponent of these two mythologists of the life of Jesus was Bruno Bauer. He was truly behind the times. The short fame he enjoyed between 1840 and 1848 was due to his position as lecturer of Protestant theology, and soon after 1848 he was forgotten. For him, as for others, such as his friend Max Stirner, 1848 was a hard blow. In order to make a living,

9. [Ed.] Later, Schmitt had occasion to refer to Strauss and Donoso Cortés in Carl Schmitt, *Politische Theologie II: Die Legende von der Erledigung jeder Politischen Theologie* (Berlin: Duncker & Humblot, 1970), pp. 34 ff., 35n., 54 and 55n.

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he had to write a lot of bad journalism. But, along with many others, he also wrote important articles for the 23 volumes of the *Wagnerschen Staats- und Gesellschaftslexikons* (from 1858 on). Even diligent scholars such as Ernst Barnikol and scholars dedicated to the history of ideas like Karl Löwith could not succeed in uncovering the core of his spiritual existence.[10] That is possible only in light of the great parallel.

Unlike any other, Bruno Bauer thought through theological-philosophical criticism in the fullest sense, and considered all the fateful connotations that the words criticism and crisis have had in the German history of ideas in the last two centuries. In Bruno Bauer, the theological and philosophical critique of reason, as well as textual and biblical criticism, were transformed into a critique of the age. But unlike in Karl Marx, it did not develop into a party position intent on destroying its political enemy. Bauer remained the lonely, isolated partisan of the world spirit, regardless of whether he wrote for or against Bismarck, or for or against the conservatives. His impressive, sophisticated worldview, which went above and beyond the Prussian-German problem, did not change. After 1848, he concluded that the 1848 movement appeared to have failed. "But it is nevertheless its great success that almost the whole spiritual universe of Western nations — their smashed and depleted system of life — has sunk into this abyss." In the year of Donoso's death (1853), he posed the question: "Will the peoples of the West be even more disintegrated and damaged by future revolutions?"; and he answered: "No doubt, they will." This critical German would abandon neither his Protestant-theological, nor his Hegelian roots. That remains his glory. Therefore, he waited, unbroken, for a new era, and saw himself in the position of an early Christian living in a new, no longer Christian world empire. He did not achieve the highest degree of psychological and dialectical reflection. But his writings between 1843 and 1848 reflect the intellectual situation whose focal point

10. Ernst Barnikol, *Das entdeckte Christentum im Vormärz: Bruno Bauers Kampf gegen Religion und Christentum und Erstausgabe seiner Kampfschrift* (Jena: 1927/ Aalen: Scientia Verlag, 1989). Unfortunately, I was unable to examine the manuscript of Barnikol's Bruno Bauer biography. The following works by Karl Löwith were available to me: "Die philosophische Kritik der christlichen Religion im 19. Jahrhundert," in *Theologische Rundschau* N.F. 5 (1933); and *Von Hegel zu Nietzsche: Die revolutionäre Bruch im Denken des neunzehnten Jahrhunderts/ Marx und Kierkegaard* (Zurich: 1941/ Stuttgart: W. Kohlhammer Verlag, 1964). Part II is titled: "Studien zur Geschichte der bügerlich-christlichen Welt." Löwith fails to consider essential questions with regard to Bruno Bauer. Also of relevance is Ernst Benz, "Nietzsche und Bauer," in *Zeitschrift für Kirchengeschichte*, Vol. 56 (1937). Not available to me was Dmitri Tschizewski's essay on Nietzsche and Hegel, in *Revue d'histoire de la philosophie*, Vol. 3 (1929), pp. 12-27.

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was the outbreak of 1848. After 1848, he remained the conscious representative of the great historical parallel until his death.

Kierkegaard's writings before 1848 also reflect the situation at the time. They are the greatest and most extreme critique of the age.[11] But for Kierkegaard, there is no longer any Christianity apart from the time when the Son of God became mortal and was crucified. This is why he became incensed at the "tough indolence with regard to the 1,800 years" that have inserted themselves between the historical moment of Christ's becoming mortal and our own age. And he demanded that the 1,800 years be dismissed "as if they had never existed." For Kierkegaard, the great historical parallel should be dissolved into a moment of the immediate present.

Here, I will mention a few names that remain powerfully relevant today, in order to demonstrate the continuity with the situation of 1848, and to reduce the communist monopoly of this continuity to its actual, relative significance. The historical consciousness of the last hundred years of European existence must be stripped of this veneer of an interim period, and the task of purging should provide an opportunity to inaugurate a true historical picture in light of the century-old prognosis of the coming expansion of Russia and America, the important, also century-old cultural and historical-philosophical diagnosis of the process of increasing democratization, technicization, and centralization, and, finally, the manifold forms of the great historical parallel that constituted the intellectual core of the last century. Donoso Cortés stands at the forefront of the names that need to be mentioned. Without him, the picture of the 1848 European battle of ideas not only would be incomplete and fragmentary, but also incorrect in its structural origins, because an essential ingredient would be missing, which (as is the case for the spiritual situation of Europe) can be derived only from Spanish history.

Donoso is related to every important thought that can establish a continuity between our current situation and that of 1848. Before 1848, he approached Tocqueville's prognosis from the perspective of foreign policy. We have quoted his speech of March 1847, in which he cites Russia, America, and England as the only subjects of a true foreign policy. Compared with Tocqueville's simple synoptic, which foresees the collision of two colossi, the effect is somewhat weaker, because a third colossus, England,

11. Theodor Haecker has published an astounding translation of a text by Kierkegaard from 1846 under the title *Kritik der Zeit*, along with an equally astounding epilogue in the journal *Der Brenner* (July 1914). The second edition appeared as a brochure in the Brenner Verlag in Innsbruck in 1922.

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lessens the clear antithesis. Donoso's speech also lacks the link to the development of democracy that provides the foundation for Tocqueville's book. But the global aspect is similar, and the cultural and historical-philosophical diagnosis of an irresistible democratization, technicization, and centralization appears all the stronger in Donoso's writing after the 1848 experiences. In contradistinction to the optimism of the time, he saw with great clarity that the railroad and the telegraph would bring with them a centralized, planned dictatorship. He also saw through the basis of this optimism, whose illusion was based on a combination of technological progress, the advancement of freedom, and the moral fulfillment of humanity in a single unified concept of progress. The clear-sighted recognition of such a confused combination forced Donoso into a desperate antithesis, and he succumbed to a Cassandra-like pessimism that caused great offense, because it was understood dogmatically, rather than existentially.

Donoso also recognized the historical parallel with Caesarism and the world-historical moment of the birth of Christianity. But he found it too optimistic, because the young nations that the Germans of the *Völkerwanderung* had spoken of were nowhere to be seen. For the Spanish Catholic, a historical parallel of our present age with the time of the first Christians could not signify what it did for German Hegelians like Bruno Bauer or a French anarchist like Proudhon. Here, too, the historical parallel dissolved into the immediacy of faith. For Donoso, the actuality of that historical turn did not need to be mediated by a historical construct; it was readily present in his spiritual and moral existence. But, unlike Kierkegaard, he did not envision removing the intervening 1,800 years. His representation of history became eschatological, without having to deny a concept of history.

V

A man like Donoso could not be understood by the great leaders of official Europe, or even by the conservative politicians of the restoration, who momentarily applauded him. He was much more than a figure in the diplomatic game of courts and cabinets, as he was much more than a party member on political fronts. But, in the last existential intensification brought about by the shock of 1848, he was also much more than a great orator influenced by Maistre, Tocqueville, or Gioberti. The fact that he promoted the state coup and the coronation of Louis Napoleon means that he was tied to his age as a politician and a diplomat. In fact, for him, the monarchial dictatorship, the *dictadura coronada*, was only a practical *pis aller* [last resort], i.e., a necessary protection against a dictatorship of other forces and

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powers that he considered more dangerous, mean-spirited, and intensively dictatorial. He never considered this pragmatic solution a form of religious or theological salvation. And he was not fooled either by Caesarism as a 19th century historical phenomenon or by the human value of the new Caesar. His last personal decision was to search for a way out of this type of political problematic. Donoso wanted to enter a spiritual order, and it was then that he died and left the confusion of earthly existence behind him.

It is precisely here that one can think of Sören Kierkegaard, who died two years later (1855). At the time, Donoso was renowned in Europe, whereas Kierkegaard was at most a local or provincial Danish figure considered to be a bit eccentric, whose name was not known in Europe and did not yet deserve to be. But today, we are aware of the value of public opinion. It would be misleading to compare the various perspectives of a dying Spanish envoy in Paris with the death of a virtually unknown individual in Copenhagen. More than 15 years ago, P. Erich Przywara advanced the Spaniard as an impressive counterpart to Nietzsche, and then antithetically compared Donoso's Christian sacrifice with Nietzsche's Dionysian sacrifice.[12] Yet, Nietzsche belongs to a later stage of the self-destruction of German idealism, i.e., to a time in which the ruins of the German spirit were transformed into a force field of new theogonic and global uranic rudiments. Donoso's historical contemporary in the north was Kierkegaard, who in Berlin in the winter of 1841/42 had heard the older Schelling's famous lecture, which was an astounding failure and signaled an intellectual turning point and the end of German idealism. The names of that coming generation sound different today than they did then, when they were all obscure young men: Kierkegaard, Friedrich Engels, Bakunin, Bruno Bauer, Max Stirner, and Jacob Burckhardt. This explosive mixture came together in Berlin after 1840, when Nietzsche began formulating his explosive ideas. From here, Kierkegaard went his own inward way, and led his all-too-Christian battle against the Christian church. He thereby overcame the 1,800 years that he felt separated him from the essence of the Christian era. His critique of the age is more incisive than any other. He also made clear prognoses, and predicted the horrors of a future reformation. He knew that in an age of masses, historical events would be decided by martyrs, not by statesmen, diplomats, and generals. But his own inward way seemed a way *out* of history, so that he, too, did not appear to undermine the communist monopoly of the historical understanding of the century.

12. See *Stimmen der Zeit* (April 1935).

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Unlike any other, Donoso squarely faced this monopoly. The Spanish Catholic lacked (we can say: obviously) the psychological and dialectical reflection of the northern theologian of the German school. He also lacked any Hegelian sense of history. But, then, neither was required. With the most direct clarity, he saw what was essential and said it, even if he got lost in long stretches of theological explanation. However, what is essential is his precise insight that the pseudo-religion of absolute humanity opens the door to inhuman terror. This was a novel insight, deeper than the many remarkable utterances that Maistre made on revolution, war, and blood. Compared with the Spaniard, who had looked into the abyss of the terror of 1848, Maistre was still an aristocrat who wanted to restore the *ancien régime* and to prolong and to magnify the 18th century. Given the style of his thought and his choice of words, given the content of his thought and the powerful historical situation, what Donoso had to say was different from the philosophy of conservative and traditionalist authors, who in other respects must have influenced him. He made striking outbursts that often came from the storm clouds of a completely different type of traditional rhetoric. Of course, one must be able to read him.

This eruptive style should not be characterized as aphoristic. It would be a misunderstanding to transform his work into an anthology of powerful statements. The decisive word, the essential statement, often appears suddenly in long, tiring, and probably questionable theological explanations, or in a letter, but they cannot be arranged or dissected in a suitable manner. Whoever hears it, recognizes it as the signal of a concrete reality and a historical truth. We have learned to read Nietzsche correctly, despite his phosphorescent impressions, not as a theory or a system, but rather as life and monstrous fate. With even more justification, we can insist that Donoso's decisive words be understood in terms of his own and our existence. Only then can we comprehend the remarkable fact that a man in 1848 foresaw the entire sea of blood into which all revolutionary streams would flow for the next hundred years.

I will explain this type of insight with an example. Donoso said that the legal abolition of the death penalty was instead the harbinger of mass murder. He had experienced this as a fact in 1848, and today we can add a few more similar facts. Yet, what Donoso had to say is more than the more or less problematic generalizations of a particular experience. The significance of his words transcends by far their empirical or intellectual content. His words are the spoken gestures of a man who looks into the abyss of human nature, into the abyss of the forces that serve the idea of absolute

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humanity, in order to brand every opponent a beast. With striking perception, he immediately saw what would result from the abolition of the death penalty, i.e., a world in which blood appears to spring even from the cliffs, because the illusory paradise becomes transformed into a real hell.

It is the same insight that always fills him with terror: that mankind, which philosophers and demagogues raised up to be the measure of all things, is in no way, as they claim, an embodiment of peace. Instead, man terrorizes and destroys all other men who do not submit to him. The concept of *human* only superficially neutralizes differences between people. In reality, it carries with it a murderous counter-concept with the most terrible potential for destruction: the *inhuman*. A terrible abyss of enmity is immediately ripped open by the mere possibility of the word *inhuman*. And even the possibility of an abyss between human and inhuman represents only the starting point of further events. The division of human and inhuman necessarily leads to a still deeper division: *super*human and *sub*human. The man who treats another man as if he is inhuman realizes in practice the distinction between superhuman and subhuman. For a subhuman, there is no longer a death penalty. There is indeed no penalty at all, only extermination and destruction. Already before 1848, the word *superhuman* had been uttered, as had the word *nihilism*. When Ludwig Feuerbach wanted to put into practice the old *homo homini deus* [man is a god to other men], the attempt was already being made to overcome nihilism with the new god, and with the destruction of his enemies. Donoso's statements contain the insight that absolute man requires a superman: *L'homme passe infiniment l'homme*. But the moment the superman appears, so, too, does his enemy — the subhuman — as his dialectical twin. The positivism that celebrated the [new] age was only a visible form of nihilism. It negated every relativization of man from a transcendent and otherworldly being, and even sought to destroy all inner strife and self-alienation, every negation, by pure this-worldliness, in order to create the paradise of pure mundane existence for the chosen few of the new humanity.

It was not Donoso's conservative, liberal, and bourgeois friends or enemies who understood him. Only his socialist foes — out of absolute enmity — sensed something of his real greatness, because they felt that only he threatened their monopoly on the interpretation of the century. This monopoly contained something very important, namely, the historical legitimacy of one's own power, the right to violence, and the absolution of the world spirit for all crimes committed in its name. They answered their foe with hatred and derision, and shouted him down as a

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half-crazy reactionary, as the epigone of medieval bestiality. Proudhon challenged him to once again light the funeral pyre of the Grand Inquisitors. This honorable and humane revolutionary did not recognize that completely different types of fires had already been lit, and that his prized modern science provided completely different methods of inhuman terror. Alexander Herzen found the price Donoso demanded for the salvation of Europe, namely, a return to the Catholic Church, nonsensical, and held up to him the socialist version of the great parallel. Herzen really believed that 19th century revolutionary socialists played a role analogous to that of 1st century Christians, and he dismissed Donoso as a reactionary apostate. However, Karl Marx's friend, Moses Hess, in a typical emotional outburst similar to Marx, simply said that Christianity had been long since completely destroyed. He felt it utterly mistaken for Herzen even to take notice of "such a wailing as that of Donoso Cortés," instead of considering it, from the superiority of Herzen's socio-economic standpoint, nothing more than ideology.

Thereafter, Donoso Cortés was ignored, and, a few years after 1848, forgotten completely. His name then entered the proud line of isolated, ignored, and suppressed 19th century figures. It required the experiences of a world war to revive his memory, and only the terror of further, global wars — mixing state war and civil war — allowed the transcendental meaning of his words to appear in the radiance of a new light. Today, he is heard by many. With great energy, he stressed that the historical parallel of physical and spiritual regeneration, which the Roman Empire experienced because of the wandering of Germanic tribes during the *Völkerwanderung*, did not hold true for our century, because the apparently new and young nations already carried in their veins the poison of civilization. There is not much hope for Europe from such a historical parallel. Even less can we console ourselves by recognizing that Europe has always been inundated from east and west, north and south, because the particularity of the current situation lies precisely in the fact that today it is not strange civilizations, but rather the accomplishments and outgrowths of our own European spirit that have come back to haunt us. In this way, we are again approaching Donoso's perspective. The historical parallels disappear, and we are now tested by the present God.

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Blind Peace: A Postscript to the Iraq War[1]

Hans Magnus Enzensberger

1. One of the few real joys that history provides is the end of a tyrant, and it is all the same whether he loses his power or his life. The toppling of his statues and the destruction of his pictures symbolize this moment. Hitler, Stalin, Franco, Pinochet, Ceausescu, Mobutu, Milosevic, Sadam — the list is endless. The end of Castro, Mugabe, Kim Jong II and a dozen others is foreseeable; every day they continue to rule costs human lives.

The triumphal joy that one feels when one of these figures bites the dust stems from the fact that one has survived him. Canetti said that the most important motive of the tyrant is that he wants to see the greatest possible number of people die before he joins them. There is a reflection of that in wanting the one whom one abhors to die. To this extent, there is still something barbaric about this wonderful feeling, although it is directed against the foes of mankind.

2. Should one therefore rejoice or should one not? The pictures of the sudden fall of Saddam Hussein are, if not falsified, still highly suspect. Relief is a feeling to which one had better not succumb. It is more meritorious to alarm and to admonish, and if those agitating for peace utter a word about victory, it sounds forced. It is somehow distressing that there are Iraqis who greet their occupiers! Nobody likes to be exposed to ridicule.

This is not the first humiliation of the alarmists and admonishers; it is not the first time that the worries that furrow the German brow have proved to be premature. Not long ago that Communist East Germany was considered to be as firm as a rock — one of the most successful industrial

1. "Blinder Frieden: Eine Nachschrift zum Iraq-Krieg," originally published in the *Frankfurter Allgemeine Zeitung* (April 15, 2003). Translated by G. L. Ulmen.

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nations in the world; that the West German Social Democratic Party did everything possible to have a friendly discussion with the East German Communist Party; that the Polish Solidarity movement was considered a dangerous disturber of the peace. Stability was everything, the Soviet Union was an invincible colossus, which only the Americans and other cold warriors provoked, whereas the heroic besiegers of Mutlangen [a massive demonstration against the installment of American intermediate-range missiles in the town of Mutlangen during the Reagan years] turned against provocative US armaments. For many leftists, it was strange and unsettling that the colossus stood on clay feet!

It was also said that the Serbia of Slobodan Milosevic should be treated like a raw egg, so as to preserve the precious peace. Any intervention in the Balkans threatened to call forth a widespread conflagration of incalculable extent. Then came the Taliban! Whoever attacks them will turn the whole Islamic world against them — an apocalyptic prospect.

A similar chorus of over-estimation could be heard regarding Iraq. The friends of peace adopted the position of the rabbit before the snake: "The federal government has various studies, among them UN documents, according to which military action will result in between 40,000 and 200,000 casualties. It is feared that up to 200,000 more will perish as a result of collateral war damage." (Jürgen Trittin, [a member of the federal cabinet]) "The Iraqis have had a year to prepare for war, and one can see just how well prepared they are . . . so, such an attack will certainly end in a great battle for Baghdad." (Stig Förster, a military historian) "An attack will result in the Middle and Far East exploding." (Angelika Beer, Chairperson of the Greens)

3. According to Iraqi evidence, there were 1,300 Iraqi civilian casualties; 153 coalition forces are said to have died in this campaign. One should not take these numbers for the gospel truth. Nevertheless, there has never been a war of such magnitude with so few casualties. Still, never before has there been so much emphasis on these casualties in the world media, including those of the winners.

This sympathy stands in stark contrast to events elsewhere: At least a thousand civilians were killed in the Congo in so-called tribal wars during the Iraq war — for most of the media, a short news item. Thirty other, often more gruesome wars throughout the world, have a shadowy existence. Also, apparently the Germans did not recall Hamburg, Cologne, Nuremberg, Berlin, and Dresden, perhaps because a comparison would show that this time the Anglo-American coalition was much more cautious than in the past.

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In general, those agitating for peace are dominated by the remarkable notion that if a war they wanted to prevent nevertheless occurred, it should have no casualties — a demand that one might call touching, if it did not fly in the face of reality, which, in a political sense, promises nothing good. This demand is surpassed only by the denial of reality in the Arab world, where the most favored of all customs is self-deception. There, wish as the father of thought appears to be unrestrained: the more nasty a model, the more zealously one holds to it (Nasser, Arafat, Qadaffi, Bin Laden, Sadam Hussein).

4. How often (and how inconsequential) has it been said: The code of politics is not synonymous with morality. Many protesters just do not get this distinction. Their peculiarly meek disposition is imbued with a moral superiority, which is astonishing. Perhaps this is why their criticism has a specific odor of sanctity. Sooner or later, most protesters assume an air of self-righteousness and hypocrisy. "No blood for oil" — a catchy slogan, even when used by people who place their greatest value on their car, their heating, or their vacation, and whose indignation would be aroused immediately if the gas tank were empty, the thermometer at zero degrees, and the flight to Mallorca cancelled.

As far as the Paris-Berlin-Moscow "axis" is concerned, one's own motives are kept in the dark, while the Americans are accused of the lowest materialist profit motives. Russia and France have enormous economic interests in Iraq, not the least in oil and weapons, and for years Germany has promoted its arms exports to Iraq.

UN sanctions have had far more devastating results for the Iraqi people than the war; estimations of the victims are in the hundreds of thousands. This is why they have been denounced by the friends of peace. But if they had had their way, the regime would still be in power, and the UN sanctions would have continued.

5. Even more pious than the wish to show the greatest foreboding to the Iraqi regime appears to be the hope that democratic conditions can be created in this country. Allegedly, the religious and political traditions of this region make that an illusion. Aside from the fact that such arguments are not completely free of colonial arrogance, they suppress the fact that a regime like the Iraqi regime has little in common with the political traditions of the Islamic world; in the starkest sense, it was "modern," and had most in common with the models of Nazi Germany and the Soviet Union.

There is nothing more damaging to a society than a totalitarian system. The terror that it uses is not only physical; it is not limited to torture

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and murder. It leads to the loss of human resources, which decades later is still noticeable. That begins with expulsion and flight of the best people, a loss from which a society never really recovers (Russia in 1917, Germany in 1933, Spain in 1936, Iran in 1953, Argentina in 1976, Yugoslavia in 1991, etc.; and this list could be readily expanded). The mentality of the remaining majority changes the longer the tyranny endures. The civilization deficit and the loss of legality and responsibility take the upper hand, and are followed by cognitive confusions and lowering of all restraints. Only after the collapse of such regimes do these long-term damages become visible. The re-socialization of whole peoples, as the Germans could not help noticing, is a long and complicated process.

One can rightly expect that any problem that arises in such cases will be counted against those who removed the regime. Even if the Americans and the Brits accomplish miracles in Iraq, this will only be taken as further evidence of their treachery.

6. The object of hatred of the opponents of war is not Saddam Hussein, but Bush — a fact that needs some explanation. If one asks about the dictator, the more radical spokesmen for the Left, for Islamic fundamentalists, and for Arab nationalism speak (and they do not like to speak about his work and seldom do) of a complete symmetry between Bush and Saddam; Bush, they consider more dangerous.

The same Manichaeanism that these critics ascribe to the American president they demonstrate themselves. Both would like to localize the evil, the one in Iraq, the other in the US. With the best of intentions, these critics simply cannot conceive of the fact that good and evil anthropologically are located in one and the same breast. They appear unaware of the difference between the political systems in the US and in Iraq, or they consider it irrelevant. No wonder that East Europeans can hardly understand this comparison. To them, such lack of imagination appears grotesque; their historical experiences made it easier for them to distinguish such nuances as the difference between life and death. Especially remarkable is the fact that many Germans support the rhetoric of appeasement as if they never had lived under a totalitarian regime. Most could not recognize any reasons for ending the tyrannical regime in Iraq — not that they wished it to last forever, that would be too much to say — yet they rejected and condemned every decisive step to end it. Despite German experiences, or, in the final analysis, even because of them?

Perhaps one can remember how difficult it has been for Germans to recognize the collapse of the Nazi regime as a liberation — they spoke of

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the "collapse," and of the Allies as "the occupation." In the postwar period, one of the earliest graffiti was "Ami go home." The end of the East German dictatorship was also not welcomed by all the inhabitants of the land.

It must be said that thankfulness is not a political category. Consequently, there should not be any thanks for the fact that Germany was rescued by the Western Allies, and that without them the Wall would still be standing. This is a surprising lack of memory. In this respect, a little more courage for freedom and a little less arrogance could do no harm.

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Saddam and Hitler: Rethinking Totalitarianism

Russell A. Berman

The history of Weimar Germany has long stood as the prime example of the democracy that failed and turned into the incubator for totalitarianism. This teleology from Weimar to Hitler anticipates the multiple failed democracies of the 20th century, and it stands as a cautionary note with regard to current and future democratization prospects. One continues to ponder Weimar culture in order to understand the instability of democracy and the potential for totalitarian outcomes. Nazi Germany casts multiple shadows on the mass-murderous landscape of the 20th century, and Weimar remains pertinent as long as mass destruction haunts this modernity.

Yet, the paradigmatic significance of the failure of Weimar and the establishment of Nazi Germany is frequently obscured or distorted by certain misconceptions, which deserve interrogation: first, the illusion that there is an intellectually viable strategy to identify this Nazi modernity as distinctively belonging to a Right, as opposed to a Left modernity in a substantive way that is more than merely about the externals of party affiliation; second, the analytic stance that the transition from Weimar to National Socialism was a cultural, in particular an aesthetic-cultural phenomenon, and that Nazism similarly depended more on a process of establishing a cultural hegemony than on politics, coercion, and violence; and third, the underlying historicist tone suggesting that this era belongs to a completed past, a period in some once-upon-a-time distant epoch that has little to do with the contemporary situation, as if the experience of that epoch did not continue to structure present thinking and institutions, and as if the totalitarian and mass-destructive potentials played out in Germany in

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the 1930s and 1940s no longer project their force fields into the present.

These three predispositions — accepting the conceptual viability and relevance of the Left/Right distinction, in particular *a propos* the emergence of the Nazi regime, the privileging of the cultural or representational dimension, and the historicizing distance with its attendant relativization — exemplify multiple intellectual failings in an age of relativist cultural studies. Thus, it is easy to discover internal inconsistencies. For example, casting the Nazi era as somehow a cultural program — a set of films, philosophies, etc. — implicitly normalizes it as just another style period, as if the choice between Weimar architecture (Bauhaus) and Nazi architecture (Speer) was just a matter of taste. Thus, this culturalist approach succumbs to precisely what Benjamin argued against: an aestheticization of politics. Yet, this normalization of the Nazi regime as a cultural style is obviously at odds with the simultaneous judgmental insistence on the obsolete Left/Right distinction, which is presumably intended to be quite different from a matter of taste. Is the Left/Right distinction truly obsolete? Certainly, it is. But here, it suffices to invoke a much smaller argument, i.e., the inappropriateness of the distinction with regard to totalitarianism. Can one really claim that Nazi Germany was a phenomenon of the Right, and Stalinist Russia one of the Left? Perhaps in nuances of their respective discourses. But the overwhelming feature of totalitarianism — the destructive power of the unlimited state, the diametrical opposite of any ethos of limited government — surely outweighs those distinctions, and, in any case, that destructiveness was not a function of being Right or Left. If Nazism is considered to be Right, then what Right? Surely not the neo-liberal Right that redefined conservatism in the last decades of the 20th century. As long as Nazism is considered a rightist phenomenon, then a tepid leftism remains reassuring and comfortable, i.e., another piece of the academic world unwilling to question itself.

In order to cut through some of these current misconceptions and to reexamine Nazi Germany, it is productive to dwell on the current political metaphor — Saddam as Hitler — in order to ferret out issues in the nexus of totalitarian regimes, political violence, and mass culture. Looking at Nazi Germany in light of Iraq can help clarify the three previously mentioned problems, and address certain lacunae in contemporary grapplings with the Nazi era: 1) Saddam's Iraq is the case in point of the obsolescence of political designations. To paraphrase a familiar slogan, it is neither Left nor Right, just terrible. It derives directly from both Hitler and Stalin in specific intellectual, political, and symbolic terms. Like both, it involves a

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regime in which the personality of the leader is central and stands in a dialectical relation to a manipulative mass ideology: mass cultures mean great dictators. The example of Saddam's Iraq points out the odd situation in much contemporary accounts of Nazi culture; Hitler is absent (except, of course, in the popular imagination). It is as if a taboo still surrounded Hitler as a person, a certain propensity to think Nazism without the leader.

As a comparative foil, the case of Iraq also forces one to ask about cultural or cultural-studies approaches to the Nazi regime, which naturally ascribe a central analytic standing of "Nazi culture." It is this "culturalism" that needs to be called into question. Was the contemporary credibility of the regime really a matter of a cultural consensus achieved through the notionally successful dissemination of a plausible ideology? Can one really believe that Nazi film and the propaganda apparatus successfully convinced the German public that all was right with their world? In this case, one would have to imagine mass culture interpellating a compliant mass, establishing a Gramscian consensus: *Volksgemeinschaft* as one big happy film audience. The alternative explanation, suggested by the case of Iraq, is the hypothesis of a "Republic of Fear," to use Iraqi exile writer Kanan Makiya's term: a regime in which violence, threats of violence, and enforced complicity in violence are overwhelming, and the basis for the stability of the state: not a cultural normalcy, but a reign of terror. Following this line of thought with regard to Nazi Germany, one recovers the image of the totalitarian state as a regime of terror and anxiety, rather than a distinctive aesthetic style.

If Saddam is like Hitler (not absolute identity, but considerable similarities), then to what extent is the outside world's response to Saddam like the response to Hitler? The point is not only to consider the intentional political allegory — one fought Hitler, therefore one must fight Saddam — but to remember that the international response to Hitler did not start in Normandy. There were long years of denial and deferral, of the minimalization of his importance in Weimar, and, after his 1933 rise to power, extensive acceptance, appeasement, and tolerance. Most egregious, of course, was the resistance in "world opinion" to believe the accounts of mass murder. Indeed, the modernity of the same world opinion evidently includes a predisposition to avoid facing violence, as well as a fascination with authoritarian leaders (consider the popularity of dictators such as Stalin, Castro, and Mao in Western democracies). The metaphor of Saddam and Hitler is therefore also an opportunity to think through the psychology of this response to totalitarian leaders and the states they command. Part of

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the dynamic has to do with a perverse consequence of a defining feature of enlightened modernity: tolerance, which is strangely taken to apply to criminal dictators too. Respect for the sovereignty of states and their sovereigns ranks well above any consideration for the citizens' well-being. Cultural relativism also quickly defends a reign of terror as just another way of life. The pre-war political debates is a case in point, with the extensive resistance, even among otherwise human-rights oriented liberals, to discussions of regime change. This stance suggests a defense of sovereignty as such, no matter what the character of the regime, and therefore an inability to declare any regime unacceptable, which becomes the obligatory acceptance of any regime. It follows that discussions of domestic violence within other states are regarded with apprehension and mistrust, no matter how great the human suffering, e.g., discounting reports of Nazi camps or the campaign against the Kurds. This sort of violence is somehow resistant to easy discussion, and this traumatizing consequence of violence — it leaves one speechless, at least initially — may explain in part the preference to describe the Nazi era in cultural terms.

The Metaphor

In American politics, the metaphor of Saddam as Hitler dates from the period following the Iraqi invasion of Kuwait, and refers solely to international aggression. Thus, President George Bush senior in his August 8, 1990 address announcing the deployment of US forces to Saudi Arabia said: "But if history teaches us anything, it is that we must resist aggression or it will destroy our freedoms. Appeasement does not work. As was the case in the 1930s, we see in Saddam Hussein an aggressive dictator threatening his neighbors."[1] In the same vein, one week later, on August 15, speaking to employees at the Department of Defense, he said: "A half a century ago our nation and the world paid dearly for appeasing an aggressor who should and could have been stopped."[2] It was not difficult for the press to take the next step, name the dictator of the 1930s, and therefore to develop an analogy between Saddam and Hitler. But for official discourse, the matter involved only the aggression and its corollary, i.e., the historical lesson regarding the importance of refraining from policies of appeasement.

Two months later, however, the account of his adversary changed significantly. In place of Iraqi aggression, the focus shifted to the Iraqi leader, now associated with negative attributes that extend beyond the war of

1. http://bushlibrary.tamu.edu/papers/1990/90080800.html
2. http://bushlibrary.tamu.edu/papers/1990/90081502.html

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aggression. Perhaps this heightened rhetoric could be attributed to the press' more sensational imagery, with which the president or his speech writers had to compete; alternatively, one could speculate on attributing the rhetorical shift to the Fall election campaign, and the attendant need to amplify public interest through more pronounced statements. Part of the change, however, must be explained in terms of the on-going brutality of the Iraqi occupation and the only gradual recognition of this violence by the outside world: it was no longer "just" a matter of an annexation of Kuwaiti territory by an occupying army, but a reign of terror as well, which then compounded the significance of the Hitler comparison. Thus, in remarks in Dallas on October 15, 1990, the president stated: "Hitler revisited. But remember, when Hitler's war ended, there were the Nuremberg trials." The evil of the adversary goes hand in hand with an expectation of a conclusive act of justice. To substantiate the need for a trial, however, he went into greater detail at a Republican campaign rally in Manchester, New Hampshire on October 23: "I am reading this great history of WWII. And I read the other night just about how Hitler, unchallenged — the US locked in its isolation in those days, the late thirties — marched into Poland. Behind him — some of you will remember this — came the Death's Head regiments of the SS. Their role was to go in and dissemble the country. Just as it happened in the past, the other day in Kuwait, two young kids were passing out leaflets in opposition. They were taken, their families made to watch, and they were shot to death — 15- and 16-year-olds. Older people on dialysis machines were taken off the machines, and the machines shipped to Baghdad. Kids in incubators were thrown out so that the machinery, the incubators themselves, could be shipped to Baghdad I'm reading a book, and it's a book of history, a great, big thick history about WWII, and there's a parallel between what Hitler did to Poland and what Saddam Hussein has done to Kuwait. And that's what we're dealing with. We're dealing with Hitler revisited, a totalitarianism and a brutality that is naked and unprecedented in modern times. And that must not stand." [3]

3. The incubator story has been questioned. Yet, even Said K. Aburish, otherwise critical of US policy in Iraq, concedes the brutality of the Iraqi occupation of Kuwait, while objecting to the exaggerations in the Western press: "Although the Iraqis were most definitely guilty of considerable looting, some cases of rape and the killing of Kuwaiti resisters, the figures used for these hideous and utterly unjustifiable crimes were constantly exaggerated. Among other things, Kuwaiti resistance involved an embarrassingly small number of people. And some stories were fabrications, in particular the killing of dozens of Kuwaiti children in incubators." See *Saddam Hussein: the Politics of Revenge* (London: Bloomsbury, 2000), p. 295.

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While the Hitler metaphor was deployed in an effort to galvanize public opinion, the development of the metaphor over a two-month period highlights the complex range of issues at stake: aggression, appeasement, violence against civilians and, in particular, the personalization of the struggle with an eye to war crimes trials. The latter point has to be seen not only as rhetoric of the moment, but as part of a tradition, perhaps distinctively American, of focusing on the personal responsibility of the adversary leader: trials of the Confederacy leadership, Wilson's insistence on the culpability of the Kaiser in WWI, and the criminalization of the opponents after WWII, both in Germany and Japan.[4] The focus on Saddam, this individualization of history (that elicits derision and rejection on the part of the academic public) may derive from multiple sources: an individualist ethos that looks for someone to blame as well as a mass-cultural propensity to define complex matters in terms of individual celebrities: i.e., Saddam as Hitler, both as stars. Still, the focus on the individual, Saddam, was not only a rhetorical effect; it has to be seen primarily as a description of the priority of the singular personality, the political leader, in the totalitarian state.

Before turning to the implications of this personalization process, it is worth noting what did not show up in the public discourse in the press or in presidential addresses regarding the similarities between Saddam and Hitler: multifold real-historical ties between Nazism and the Ba'athist regime in Iraq that had turned into Saddam's personal rule. An Iraqi inflected pan-Arabism began to develop soon after the end of the British mandate in 1932, and became the target of Nazi foreign policy: Baldur von Schirach visited Baghdad in 1937, and a youth league modeled on the *Hitlerjugend,* the Futuwaa, was established. Nazi Germany (with Italy and, of course, the Soviet Union of the Hitler-Stalin Pact era) supported the al-Rashid coup of 1941, including the "Farhud," a pogrom against Baghdad's large Jewish population.[5] The coup was suppressed quickly, but it later became a mythic point of reference for the Ba'ath Party, which would regard it as "the first revolution for Arab liberation."[6] The key Ba'athist ideologue, Michel Aflaq, expressed admiration for Hitler, as did Saddam,

4. Cf. Daniel Moran, "Restraints on Violence and the Reconstruction of International Order after 1945," in *War and Terror*, ed. by Frank Trommler and Michael Geyer, American Institute for Contemporary German Studies, Humanities Series, Vol. 14 (forthcoming 2003).

5. Majid Khadduri, *Independent: A Study in Iraqi Politics* (New York: Oxford University Press, 1960), pp. 172-173.

6. Kanan Makiya, *Republic of Fear* (Los Angeles: University of California Press, 1998), p. 151.

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and the Ba'athist pursuit of power has elicited comparisons to Germany. Nicholas Natteau has observed: "The street tactics of the Ba'ath against the ICP or suspected ICP sympathizers resembled those of Hitler's SA Storm trooopers during the street battles of the late 1920's in Weimar Germany."[7] This all suggests, however, that the Saddam/Hitler metaphor that emerged in response to the occupation of Kuwait in 1990 touched, probably accidentally, on a longer and more complex genealogical entwinement. The proximity of Saddam and Hitler implied by the metaphor is therefore not just an abstract comparison of distinct units, but is grounded in the real history of Ba'ath ideology, Iraqi politics, and Saddam's personal admiration for the Nazi leader as well as for Stalin.[8]

The Leader

Where culture mobilizes the masses, the masses are probably following leaders. Totalitarian systems depend on the pairing of masses and leaders. Mass culture implies, in one variant or another, a cult of personality. Occasionally, there are exceptions, when utopias of acephalous masses, freed of leaders, circulate: in the thought of Rosa Luxemburg, for example, the Left-Communists denounced by Lenin, or some anarchists with their cult of spontaneity. But these moments are typically contained and suppressed by more organizationally efficient insitutions, and the masses are eventually defined in relation to a party and a leader. In Germany and Iraq, the leader came to eclipse the party. But not only the party. The hypertrophic leader transforms the standing of the "mass," which ceases to serve as a designation of the really-existing people and becomes

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7. Nicholas Natteau, *Saddam over Iraq — How Much Longer? A Study of the Bathist Destruction of Iraqi Civil Society and the Prospects for its Rebirth*. M.A. Dissertation, Boston University, 1997: www.joric.com/Saddam/Saddam.htm

8. "The lessons of 1963 had taught him that destroying civil society was not enough to ensure the IBP's stay in power. Like Hitler, he now understood that this goal would require Ba'thizing not just the government, but the state, the military, and ultimately every nook and cranny of society. With this goal in mind, he was particularly attracted to the organizational methods used by Hitler to Nazify Germany. He understood that to ensure the party's complete domination over Iraq, society had to be regimented into the new Ba'thist order. According to one British journalist who visited Iraq in 1975, a government translator confided to him that Saddam Hussein's half-brother-in-law and head of intelligence, Barzan al-Tikriti, had asked him to procure books on Nazi Germany: 'He believed that Saddam himself was interested in this subject, not for any reason to do with racism or anti-semitism, . . . but as an example of the successful organization of an entire society by the state for the achievement of national goals'." Efraim Karsh and Inari Rautsi, *Saddam Hussein: A Political Biography* (New York: The Free Press, 1991), p. 89. Cited by Natteau, *Saddam over Iraq*, *op.cit.*

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instead a politically-charged category used to dominate and control. Thus, Aflaq's 1979 celebration that "the role of the masses in the world has come of age" was not about authentic popular culture. Instead, it meant that the population had been redefined as mass: the mass is represented by the party, and the party is Saddam. In particular, Aflaq's assertion announced that the political adversary, the Iraqi Communist Party, had been definitively defeated and with it the category of class: the age of class struggle gave way to the age of the Arab mass. Yet, Aflaq's announcement also pointed to the criminalization of any dissident or otherwise non-conformist individuality incompatible with the embracing and homogenizing category of mass. To be an individual would mean betraying the mass. This outcome is consistent with the founding constitution of the Ba'ath party: "all existing differences between the members of the nation are superficial and false, and will be dissipated within the anatomy of the Arab soul"[9] Individuality and difference are evidently not desirable. Pan-Arabism, at least in the version Aflaq bequeathed to Iraqi Ba'athism, is not only about transnational solidarity, vaguely comparable to pan-Germanism (subtly shifting politics away from citizenship to race), but also about the submission of the individual to the mass. It is ultimately one with the enforced collectivism of the Nazi *Gemeinnutz geht vor Eigennutz* [common use takes precedence over individual use], as well as the Left modernist fascination with liquidating individualism. 20th-century politicized mass culture, in its several inflections, implies, tragically, a deep hostility to individual subjectivity and privacy, and this anti-subjectivism echoes through contemporary cultural theory (especially in the shadow of post-structuralism), which may explain the scholarly reluctance to address the illiberal regimes of mass modernity.

The metaphor of Saddam and Hitler reappears in a different context when Makiya explores the character of Ba'athist politics by making reference to Hannah Arendt on totalitarianism, in particular with regard to the relation of the mass to the Leader in the context of a regime of mendacity. Thus, the metaphor is not merely an artifact of President Bush senior's war rhetoric; it also serves the democratic Iraqi opposition in its efforts to make sense of the Ba'ath catastrophe. In both Nazi Germany and Saddam's Iraq, "truth" is whatever the leader says, no matter how absurd or implausible and, in fact, no matter how inconsistent or incompatible even with the Leader's own earlier pronouncements. Thus, Makiya cites

9. Makiya, *Republic of Fear*, *op. cit.*, p. 197.

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Arendt: "The totalitarian mass leaders based their propaganda on the correct psychological assumption that . . . one could make people believe the most fantastic statements one day, and trust that if the next day they were given irrefutable proof of their falsehood, they would take refuge in cynicism; instead of deserting the leader who had lied to them, they would protest that they had known all along that the statement was a lie and would admire the leaders for their superior tactical cleverness."[10]

Makiya's point involves the character of the buy-in, so to speak, that the masses bring to the self-presentation of the regime. It is not a matter of a consensus, i.e., the shared belief of a convinced public. The public does not accept the propagandistic disinformation to represent a substantive truth on the basis of which to develop an informed opinion. It does not succumb to an imaginably effective cultural-industrial manipulation or some restructured hegemony. All of these cultural-theoertical models fail. Instead, Makiya claims that Iraqi's generally recognize the falsehoods to be false, or, at best, merely provisional and tactical. But, instead of eliciting outrage, this recognition turns into cynicism and even admiration for the capacity of the leader to change positions. Indeed, it is not even a matter of treating the regime's statements as true — there is not even the expectation of a truthful government — but only as performance, and it is through performance that Saddam acts out his omnipotence, always more powerful than truth or rules: "The Leader's omnipotence is acted out dramatically, as though performed on a stage. Favors are bestowed on people in such a way as to break the very rules the Leader's state enforces . . . ; his freedom to act, even to break his own rules, is intentionally pitted against everyone else's profound unfreedom. The effect, however, is not to highlight the latter, but to confound it with the former."[11] In a context of universal falsehood, Iraqi society does not find sustenance in a convincing propaganda apparatus, some "mass culture" that elicits authentic trust, but rather in the image of the great leader. Hero worship is central to the regime, which authorizes no room for dissent. In other words, at stake is not an ideology of heroism that might be taken to call on all individuals to excel and to act heroically, but rather a constant entwinement of the abjection of each individual, facing constant admonitions to abjure all particularity, and the focus on the one leader who is the collectivized nation. Saddam is Iraq in the sense of the slogan *Deutschland ist Hitler.*

It is worth following Makiya one more step, when he highlights the

10. *Ibid.*, p. 115
11. *Ibid.*, p. 116.

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freedom that is absent in Saddam's Iraq. Freedom in the Ba'athist tradition is only freedom of the nation as a whole, i.e., a sort of decolonization as collectivism, which is then transferred onto the political leader. There is no claim of individual freedom. Yet, Makiya poignantly develops an alternative position, "the notion of freedom as a political condition that only exists because of the capacity of human being to be different, to be in a minority, and not have to think the same deathly 'free' thoughts." This version of freedom, he continues, "is absent in Iraqi society. When it arose in the modern era, it was snuffed out, first by the growing ideological hegemony of pan-Arabism and later by the social organization of the second Ba'athist regime [i.e., post-1968]. The absence not only of freedom, but also of the very idea of this kind of freedom, makes Saddam Husain's role-playing so effective."[12] This claim translates Arendt's political theory into Iraq. The definition of freedom in terms of a human condition obviously stands at odds with current dogma regarding essentialism and humanism; sooner or later, the political implications of this intellectual baggage may become clear. Here, however, what resonates in examination of the cross-national metaphor is the suggestion of the underdevelopment of a liberal tradition — a standard piece of thinking about historical German political culture — but also of a certain nostalgia for a lost opportunity. Makiya suggests that between the establishment of a parliamentary monarchy in 1932 and the seizure of power by the Ba'ath in 1968, liberalizing possibilities in Iraq did in fact exist. The Ba'ath, who suppressed that tradition of freedom, look back at the earlier era with disdain, celebrating only the Nazi-supported 1941 coup. This historical vision of the dictatorial party is analogous to the Nazi memory of the Wilhelmine era and the Weimar "system," both vilified as too liberal, and which, in this account, were punctuated only by the putsch attempt of 1923.

Makiya's underscoring Saddam's performance — his drama and his role-playing — points to the prominence of the leader as individual and as artist within the totalitarian system. Thomas Mann drew attention to aspects of Hitler's performance and its proximity to aspects of the artist.[13] Saddam and Hitler as artists? One might compare Hitler as painter with Saddam's engagement with architecture.[14] Yet, the point here is not the artist production as such, but the performance of the political leader as the

12. *Ibid.*

13. Thomas Mann, "Bruder Hitler," (1938) in *Essays*. Vol IV, *Achtung, Europa! 1933-1938* (Frankfurt a/ M: S. Fischer, 1995), pp. 305-312.

14. Cf. Aburish, *Saddam Hussein: the Politics of Revenge*, *op. cit.*, pp. 265-266.

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act of art, the projection of the leader of the masses as an unlimited particularity — the degraded residue of aesthetic autonomy — in the context of mass abjection. Saddam and Hitler both project themselves into the public as absolute and overriding, as two examples can amply demonstrate.

Side by side with an explicit contempt for the masses and their susceptibility to propaganda, Hitler inherits a traditional artistic ethos and magnifies it with hero-worship and hypertrophic individualism. All greatness is artistic, which is to say, it breaks the rules (as with Makiya's Saddam) and asserts its particularity against the world. In *Mein Kampf*, Hitler writes: "Personality cannot be replaced; especially when it embodies not the mechanical but the cultural and creative element. No more than a famous master can be replaced and another take over the completion of the half finished painting he has left behind can the great poet and thinker, the great statesman and the great soldier, be replaced. For their activity lies always in the province of art. It is not mechanically trained, but inborn by God's grace."[15] Different legacies compete within those lines. The opposition of the mechanical and the cultural, the cult of great masters, and the priority of the aesthetic all might be taken as aspects of a shattered *bildungsbürgerliche* [bourgeois educational] tradition. Yet, it is the insistence on irreplaceability, a resistance to exchange, that links Hitler's discourse to aspects of the aesthetic tradition as the locus of hermetic singularity. Where it becomes distinctively Hitlerian, however, and where it stands at absolute odds with Makiya's Arendtian appeal to difference in the human condition, is how for Hitler this uniqueness is the province of only a few, the great, the masters. The paragraphs that follow plunge, characteristically, into anti-Semitism, ergo one restriction on the mandate to irreplaceability. But, more generally, Hitler does not exclude Jews alone. On the contrary, most of humanity is barred from the realm of the irreplaceable; this is not a human condition. Uniqueness is the privilege of the few. Meanwhile, the many, perpetually replaceable, require the few who are distinct. Thus, Hitler continues: "The greatest revolutionary changes and achievements of this earth, its greatest cultural accomplishments, the immortal deeds in the field of statesmanship, etc. [!], are forever inseparably bound up with a name and are represented by it. To renounce doing homage to a great spirit means the loss of an immense strength which emanates from the names of all great men and women."[16] This is a vision in which the few great tower over the mass and demon-

15. Adolf Hitler, *Mein Kampf*, tr. by Ralph Manheim (London: Hutchinson, 1969), p. 320.
16. *Ibid.*

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strate their greatness through a distinctiveness which is, regardless of explicit field of activity, fundamentally artistic.

This priority of leadership in mass society explains a characteristic aspect of *Mein Kampf*, so understudied despite the widespread interest in "Nazi culture." What taboo still surrounds this book? It surely deserves a reading as popular literature. It is a strange interspersion of autobiography and political program. Individual personality — Hitler's memoir writing — pervades the political polemic. Indeed, the volume is intended not only to describe "the aims of our movement" and its development, but also "to give an account of my own development."[17] There is, however, a strange ambivalence about the project. To be sure, Hitler concludes the preface with a monumental gesture: "for a doctrine to be disseminated uniformly and coherently, its basic elements must be set down for all time. To this end I wish to contribute these two volumes as foundation stones in our common edifice." Writing, it would seem, may guarantee eternal permanence and preclude interpretive variance, despite dissemination. Hence, the reassuring conclusion of the preface. Yet, this follows immediately on the unintentional expression of an underlying doubt about the book: "I know that men are won over less by the written than by the spoken word, that every great movement on this earth owes its growth to great orators and not to great writers." Hitler the orator doubts Hitler the writer. Or is it the pervasive suspicion of writing, literature, and, evil of evils, the press, that leads Hitler to this strangely incongruous paen to orality? The edifice he constructs in *Mein Kampf* recalls the Landsberg prison in which he wrote it, but the closing of the preface also takes on an epitaphic character: a conclusiveness, an end, which would only be mitigated by live oration.

The tension in *Mein Kampf* — writing vs. oration, permanence vs. vitality — is indicative of the totalitarian condition: the leader is at the center of the movement, but the cumbersome apparatus of movement may come to be at odds with the principle of leadership that implies the possibility of always redefining and rewriting. The need to write, in order to build an edifice, conflicts with the need never to be held to one's word, since truth is only contingent, but writing is permanent. Orality guarantees a flexibility which literacy, with its inherently critical potential, undermines through its durability. The prominence of the leader's personality implies that the emphasis in the title should be on the possessive pronoun; the substantive is of secondary importance.

17. *Ibid.*, p. xlv.

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The Iraqi corollary object to *Mein Kampf*, in which Hitler's autobiography intrudes into the political agenda, is the infamous Victory Arch in Baghdad, completed in August, 1988 to celebrate the (dubious) victory over Iran. It was unveiled in the midst of the genocidal *anfal* campaign against the Kurds. Saddam designed the monument, intending it as an Iraqi corollary to the *Arc de Triomphe* in Paris. Makiya describes it best: two steel forearms "come bursting out of the ground like bronze treetrunks and rise holding a sixty-six-foot-long sword in each fist. The two swords cross to form the apex of the arch at a point roughly 130 feet above the ground. Each forearm and fist, with the steel frame on which it is fixed, weighs 40 tons. Each sword, made of stainless steel, weighs 24 tons. This steel, the invitation card [to the opening] says, was made by melting down the actual weapons of Iraqi 'martyrs.' War debris in the shape of 5,000 real Iranian helmets, taken from the battlefield, are gathered up in two nets (2,500 helmets per net). . . . To look at the helmets in the knowledge that their scratches, dents, and bullet holes are real, that human heads might well have exploded inside them, is . . . breathtaking."[18] Indeed, it is almost as breathtaking as the defining characteristic of the monument, i.e., the bizarre fact that the two forearms are not sculpted objects but rather castings of Saddam's own arms, greatly enlarged. In 1991, still writing under the pseudonym of Samir al-Khalil, Makiya dwells on this point: why a casting, which preserves all the imperfections, the scars, the veins, and the hair follicles of the forearms, rather than a sculpture? His answer: "Only casting renders absolute authority (which is singular and abstract, yet experienced in all the minutiae of daily life in Iraq) visible and corporeal, while retaining the aura of absolute uniqueness, so essential to a work of art even in this age of mechanical reproduction."[19] The projection of the leader's personality into the artistic edifice — in homology to *Mein Kampf* — stages the absolute priority of personal power: the masses are instrumentalized, literally, in the swords made of the weapons of the Iraqi soldiers, or degraded and desecrated in the display of the Iranian helmets (elsewhere, Makiya reports how the corpses of the victims executed by Saddam's police were denied ritual cleaning, thus preventing their entry into paradise). The narcissism of the leader means the annihilation of the world, as demonstrated both in Saddam's

18. Kanan Makiya, *Cruelty and Silence: War, Tryanny, Uprising and the Arab World* (New York: Norton, 1994), p. 209.

19. Samir al-Khalil (Kanan Makiya), *The Monument: Art, Vulgarity and Responsibility in Iraq* (Berkeley: University of California Press, 1991), p. 6.

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neo-Babylonian monumentalism and in Hitler's *Bildungsroman* treatise.

Culture and Violence

Saddam and Hitler: it is not difficult to ascribe to each a cultural penumbra, the writers, artists, and intellectuals who, sometimes bought, sometimes in voluntary delusion, pursue an affiliation with the totalitarian regime: Leni Riefenstahl, Albert Speer, Martin Heidegger, and Emil Nolde, or the Arab writers and Western architects who have benefited from Baghdad's largesse.[20] In this context, one can cite as well the regimes' cultural programs, the celebration of particular traditions or the symbol-laden construction projects: Saddam chose to rebuild Babylon — he often has staged himself as heir to ancient civilizations, receiving the law from Hammurabi — using bricks, on each of which his name was allegedly imprinted: the intrusion of the leader into monumentalilty, as much an act of possession and naming as Hitler's title.

Yet, it remains an open question as to whether this cultural frenzy — writers' congresses, architectural competitions, museum exhibitions — played any significant role in generating support for the regime, as measured against the primary feature of life in the totalitarian state: fear of violence, including the degradation pursuant to complicity in violence. The contempt that the early Ernst Jünger, making reference to the battlefield experience, could feel toward the aestheticizing world of bourgeois security can be directed against the cultural transformation of the totalitarian regime into aesthetic style. In Jünger's words: "Our blood is full of passions and feelings that have no place at tea-time."[21] Or, more explicitly anti-cultural: "This is not the time to read *Werther* with a tearful eye."[22]

It is a time of violence, not of art. Jünger repeatedly underscores the terror at the root of civilization. The culture of the totalitarian regime is not primarily its aesthetic works, but the priority of violence and fear; not *Haus der Kunst*, but brutality and murder, public and private. This is surely true of Iraq. Despite the elaboration of a Ba'athist ideology, with influences from Sorel (via Aflaq) and Fichte (via Husri),[23] it is not the credibility of that confused amalgam that holds Iraq together, but fear.

20. *Cruelty and Silence* provides extensive discussion of how the Iraqi regime bought Arab intellectuals' silence to criticism, and thereby gained a public relations advantage.

21. Ernst Jünger, "Der Kampf als inneres Erlebnis," in *Sämtliche Werke Essays I: Betrachtungen zur Zeit* 7.1 (Stuttgart: Klett, 1980), p. 95.

22. *Ibid.*, p. 39.

23. Cf. Makiya, *Republic of Fear*, *op. cit.*, p. 152.

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Khidir Hamza, a key defector from the Iraqi nuclear program, writes of viewing a film of a "party denunciation meeting" in which members of the party elite were forced to shoot each other.[24] Makiya similarly describes the double strategy of public and private violence: the public hangings of Jews accused of espionage in January 1969, at the outset of the regime, attended by thousands; and the private tortures, concluded by sealed coffins to keep the body invisible. "Fear is the cement that holds together this strange body politic in Iraq," writes Makiya: so not ideology, or loyalty, or even tradition. "The public is atomized and broken up, which is why it can be made to believe anything." Mass society is, in effect, not a mass at all, but the ruins of former communities. *Nischengesellschaft*? Makiya continues: "A society that used to revel in politics is not only subdued and silent, but profoundly transformed. Fear is the agency of that transformation; the kind of fear that comes not only from what the neighbours might say, but that makes people careful of what they say in front of their children. This fear has become a part of the psychological constitution of citizenship."[25]

Makiya's account confirms Jünger's description of a terroristic society. By looking at Iraq, one has to ask to what extent current thinking about "Nazi culture" has lost sight of the terror, instead treating it as a particular cultural style and, therefore, ultimately normal. Yet, did not fear, rather than art, define Nazi Germany? Terror, and the shame of complicity? Thus, for those who viewed the boycott of Jewish stores in April 1933, fear of experiencing the same violence, or shame for participating in it, for standing by, for not shopping, surely must have left traces that determined the subsequent relation to the regime: a relation of degradation, rather than voluntary participation or ideological consensus. More important than the mobilized culture portrayed in Riefenstahl's films, the Nazi reign of terror was defined by an immobilized conscience.

Here Hans-Magnus Enzensberger's February 1991 reflection on Saddam and Hitler becomes pertinent.[26] In contrast to standard 20th century dictators, who were eager to enrich themselves and therefore calculable, Hitler and Saddam represent something different, a desire for destruction as such. Specific goals or a serious ideology are absent: the

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24. Khidir Hamza, *Saddam's Bombmaker: the Terrifying Story of the Iraqi Nuclear and Biological Weapons Agenda* (New York: Scribner, 2000), pp. 112-115.

25. *Republic of Fear,* 275.

26. Hans Magnus Enzensberger, "Hitler's Successor: Saddam Hussein in the Context of German History," in *Telos* 86 (Winter 1990-91), pp. 153-157.

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point is annihilation, a deep death wish, from which his own people, indeed, the Leader himself, is not exempted. In Iraq and Germany, this sort of annihilationist leadership could succeed because of widespread feelings of national humiliation — the WWI defeat, the legacy of colonialism — but these instincts were then available for manipulation by the unlimited will to death by the political leader. "The enemy of humanity can arm himself with the combined death energy of the masses, which gives him power bordering on genius: the infallible sense for unconscious stirrings in his followers. He does not operate with arguments but with emotions that unhinge any form of logic."[27]

Enzensberger's account is at odds with Makiya's with regard to the description of the population: in Makiya's republic of fear, the bulk of the population is terrorized, while Enzensberger sketches a fanatically loyal population (not unlike Goldhagen's account, if with a different political motivation). The distinction is significant, but in both models the center of social life is destruction: the threat of destruction directed by the state toward the population — as well as toward external enemies — or the destructive vengeance attributed to the population in pursuit of a death that it desires. Here then, at last, one might come close to a thesis of mobilized culture in the totalitarian state, but it is a mobilization not directed toward any imaginable victory, but only toward devastation. Nazi architecture, understood in this sense, should not be thought of as best exemplified by the massive meglomania of Speer's plans, but by the actual leveling of Warsaw, the genuine goal of the Nazi imagination. In fact, the same goes for the allied destruction of German cities, an architecture of ruins, which, in Enzensberger's account, was not somehow the result of the Nazi defeat (a failing of anti-aircraft defense), but the very goal from the start: total war, until everything falls to pieces: to transform the *Volk ohne Raum* [people without space] into pure *Raum ohne Volk* [space without people], bringing life to an end. It was American and English bombs that leveled German cities, but that destruction was a hidden goal in the Nazi imagination from the start.

Cultural Studies as Apologetics

Cultural Studies, one of the predominant interpretive paradigms in the contemporary academy, approaches its object as a topography of the symbols, discourses, and meanings of a community. This strategy necessarily runs into a limit where the community is caught in a vital crisis. To suggest

27. *Ibid.*, p. 156.

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that crisis is permanent — a claim with some existential validity — trivializes the moments of pronounced violence. Perhaps, one has to be satisfied with the suggestion that Cultural Studies, or New Historicism, or any such agenda of relativistic description remains at best an approximation, always missing the corrosive forces of death, beyond or prior to culture. Hermeneutics fail if meaning dissipates. When death is at center stage, Olympian distance fails. Everyone dies, of course, but not necessarily in a frenzy of willful mass destruction. Cultural Studies constructs cultural objects, but the totalitarian condition brings the constituents of human being to the fore independent of culture.

Trauma theory and its critics become pertinent here. Because the disruptive violence reported in testimony elicits traumatic responses in stunned readers, trauma theory both describes and succumbs to a contagious effect: violence elicits, at least initially, a sort of speechlessness. However, Amy Hungerford points out how tendencies in trauma theory transform this process by blurring the difference between the primary witnesses, the victims, who were subsequently able to record their experience, and their traumatized readers. Both are not "equally" victims. To be unable to speak about the violence one has suffered is not the same as to be left speechless by the reading of a written record of violence. Yet, trauma theory imagines the experience of the violence to be fully incorporated into the lives of the epigonic readers. Thus, one slides quickly into a generalization of the trauma. Hungerford writes: "While [Dori] Laub suggests that the specific historical events of the Holocaust, which some experienced and the rest of us learn about, are in fact at the heart of everyone's continuing experience, Cathy Caruth pushes the point even further. For Caruth the traumatic nature of history does not begin with the Holocaust, to continue 'henceforth'; rather, the structure of trauma characterizes all history and experience."[28]

Hungerford appropriately resists the normalizing logic of trauma theory, i.e., the denial of the specificity of the suffering of the victims as distinct from the impact on readers, no matter how traumatized. Yet, one can nonetheless learn from this normalization by observing and understanding it as evidence of the mediated consequences of violence. Moreover parallel phenomena recur in variants of Cultural Studies. No matter how different the theoretical register, trauma theory and cultural studies both demonstrate the contagious character of violence and its capacity to impair subsequent discussion. This is above all the case for the severe

28. Amy Hungerford, "Memorizing Memory," in *The Yale Journal of Criticism*, Vol. 14 (2001), pp. 80-81.

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violence of the totalitarian regime, Hitler's Germany and Saddam's Iraq, which elicits nothing more readily than silence among the well-meaning carriers of world opinion: mass murder warrants less protest than any trivial scandal in a run-of-the-mill city hall. Cultural Studies avoids totalitarian violence by turning it into culture, and renders it therefore somehow meaningful as culture. Trauma theory trivializes it by generalizing it into the human condition. As Dominick LaCapra notes: "The traumatic event has its greatest and most clearly unjustifiable effect on the victim, but in different ways it also affects everyone who comes in contact with it: perpetrators, collaborators, bystanders, resisters, those born later. Especially for victims, trauma brings about a lapse or rupture in memory . . . but for others insofar as it unsettles narcissistic investments and desired self-images."[29] This explains the resistance to reports of violence, which in political terms is nothing other than a preliminary resistance against any potential resistance against the perpetrators of violence.

The lapse of memory in the face of traumatic violence is played out in the delayed memory of the Shoah, as much as in the eagerness to circumvent or relativize the Iraqi attacks on the Kurds. The interpretive paradigm of describing "Nazi culture," rather than Nazi violence, still participates in the delay, an avoidance of the terroristic regime, a transformation of fear and violence into the trivia of a culture industry and public buildings. How did the desire to avoid violence — because violence is always painful and shaming — generate strategies of denial then, and how do second-hand observers remain caught in those patterns? The offensive metaphor can help clarify the process of transference. If Saddam is Hitler, do the same processes of denial and avoidance pertain today? Or does the discourse on Iraq illuminate the trauma of Germany? According to Enzensberger: "Then, as now, the world did not want to come to terms with what it confronted. Foreign governments regarded Hitler as a statesman representing 'legitimate concerns,' whom one had to accommodate, with whom one had to negotiate. The winners of WWI welcomed him as an 'agent of stability,' as a trading partner, as a counterweight to the Soviet threat; in other words, one dealt with him on a normal political level and trusted that it was a matter of solving conflicts of interest."[30] The flight into normalcy was not merely self-interested business, but also, perhaps above all, a denial of the horror, the refusal to hear the news of the camps.

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29. Dominick LaCapra, *History and Memory after Auschwitz* (Ithaca and London: Cornell University Press, 1998), pp. 8-9.

30. Enzensberger, "Hitler's Successor," *op. cit.*, p. 157.

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If Saddam is like Hitler, then how the world responds to one may resemble how it responds to the other. In both cases, the serious military engagement took place only after extensive equivocation and denial. The question of normalcy, compliance with UN disarmament mandates, was long given pride of place and was split — in the interest of respecting state sovereignty, no matter the character of the state — from questions of the treatment of the domestic population, about which a grotesque and chilling silence prevailed. One would rather not hear. The secret about domestic violence, in Iraq or elsewhere, is not easily addressed; preferably, it is ignored. However, while the primary German lesson cited by President Bush senior in 1990 was the admonition against appeasing an international aggressor, there is another lesson as well a refusal to accept the world's predisposition to remain impervious to genocide and terror. What is the iron law that makes world opinion? Editorial pages, UN committees, and public sphere experts reject the news of violence. Is one condemned to obey this law? Makiya concludes an interview with Taimour, a young Kurd who, as a twelve-year old, witnessed the mass destruction of his village and the killing of his family: "If you could choose, what would you want to do in your life now?" "I don't know for myself." "Is there something you want out of life very much?" "Yes." "What?" "To be a known person." "A known person?" "Yes." "Known for what?" "The *Anfal*." "Do you want to be known more for the *Anfal* or for being a *peshmerga*?" "For *Anfal*." "What do you mean 'known for *Anfal*'?" "I want the world to know what happened to me."[31]

31. Makiya, *Cruelty and Silence*, *op. cit.*, p. 199.

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On The Postmodern Nomos

Teodoro Klitsche de la Grange

In the opening pages of *The* Nomos *of the Earth*, Carl Schmitt, having designated "appropriation" as the founding act of an order and the possibility of domination not only over the land, but also (even if profoundly different) over the sea, and the relation between the two, claims that both types of appropriation have been transformed fundamentally: "Today, as a result of a new spatial phenomenon — the possibility of a domination of airspace — firm land and free sea alike are being altered drastically, both in and of themselves and in relation to each other. Not only are the dimensions of territorial sovereignty changing, not only is the efficacy and velocity of the means of human power, transport, and information changing, but so too is the content of this *effectivity*. This always has a spatial dimension and always remains an important concept of international law for land-appropriations and land-occupations, as well as for embargoes and blockades. Consequently, as a result of these developments, the relation between protection and obedience, and with it the structure of political and social power and its relation to other powers, is changing. We are on the threshold of a new stage of human spatial consciousness and global order."[1]

Along with the entire beginning of *The* Nomos *of the Earth*, this claim can be linked to the definition that another jurist, Maurice Hauriou, provides with respect to the state's "directive idea," i.e., to "the protective activity of a national civil society carried out by a public power with a territorial base." Hauriou writes that "one must not confuse the idea of the work to be done, which deserves the name of 'the enterprise's directive

1. Carl Schmitt, *The* Nomos *of the Earth in the International Law of the* Jus Publicum Europaeum, tr. by G. L. Ulmen (New York: Telos Press, 2003), p. 48.

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idea' neither with the notion of goal nor with that of function. Thus, the idea of the state is something rather different from the state's goal or its function."[2] He connects the idea of the state with the "individualist order" that was established after the development of sedentary civilizations; the fact of being sedentary, i.e., the stable and ordered relation with the land, is the foundation (among other things) of the idea of the state, which is a particular type of localized ordering.[3]

The state is defined by a series of characteristic divisions, among which is that between internal and external, and the delimitation of the two, i.e., boundaries. The distinction between internal and external does not merely constitute a spatial division, and is not limited to determining the domain of the state's power, but delimits two different "orders" based on different principles and presuppositions. Internally, the space of state sovereignty, of state power, is based on the principle that "the sovereign in the state has only rights toward his subjects, but no (coercive) duties";[4] the sovereign will is beyond any *juridical* limitations.

A corollary of this lack of limitations is that there is no external power that can influence what lies within the borders of the political unity. Externally, international law (a designation that Schmitt specifies, with greater precision, as interstate) is based on a society of *similar* and *comparable* states constituting the international order. None of them can impose laws on the others, and relations among them are, in principle, egalitarian. This is how Spinoza captured the meaning (and limit) of the state: "Thus, the state is autonomous to the extent that it is able to provide for its own subsistence and its own defence against aggression. It is subject to others to the extent that it is afraid of the power of another state or to the extent that it is prevented from doing what it wants, or, finally, to the extent that it needs another state's help for its own conservation or its own growth."[5] With rights similar and equal to those of the other states, the state succeeds in having power enough to guarantee that law is actually possible in terms of an international (or interstate) consensus. In Spinoza's view, the relation between law and power is symmetrical, in the sense that there cannot be the former without the latter. An international law grounded not on the *de*

2. Maurice Hauriou, *Teoria dell'Istituzione e della fondazione* (Milan: Giuffrè, 1967), p. 15.

3. Maurice Hauriou, *Précis de droit constitutionnel*, Part 1a, Section II (Paris: La Librairie du Seueil Sirey, 1929), p. 41ff.

4. This is Kant's definition of sovereignty in *Die Metaphysik der Sitten*, Part II, Section I.

5. Spinoza, *Trattato politico* (Turin: 1958), p. 196.

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facto power of the subjects of the international order to maintain peace and make war, but on a normative legalitarianism, would be nonsense — a useless parade of public impotence.

Obviously, this is not inconsequential for the state: if it does not have enough power to guarantee protection, because it cannot defend itself, let alone undertake aggression, the very political obligation of "ruler"/subject also loses any meaning. A state in need of the protection of another state is not free, because it cannot exercise any self-determination (as Thomas Aquinas put it: *liber est qui sui causa est*); nor can it guarantee its citizens' protection (or it can, but only in part) for the very same reason. Following Hobbes, this also entails a loss of legitimacy, understood as the guarantee of *protection*, to which corresponds the duty of *obedience* (with the consequence that the latter is given to those who can effectively guarantee protection). Actually, the procedure of constituting greater political unities is usually closely connected to the weakening of the ability to protect lower levels, and the subsequent transfer of the subjects' duty of obedience to higher levels.

Actual possibilities are those that determine a spatial order's concrete possibility of appropriation, distribution, and production. It is power that determines law: the modern *nomos* of the earth presupposed sea navigation (and the technology and knowledge that made it possible), which entailed the appropriation and division of the American continent (and parts of others) realized by the European powers. By contrast, continental Europe and Eurasia were characterized by a plurality of close or contiguous states; undefended, as in the case of England, as a result of the fact that it is an island; the technical and scientific innovations developed between the end of the Middle Ages and the beginning of the modern age were not *neutral*, but *decisive* for subsequent political-juridical arrangements.

The birth of the modern state out of the feudal monarchies was due to "ideal" factors, among which one must not overlook the need for a more effective protection than that guaranteed by feudal pluralism; among "material" factors, the spread of firearms seems to have been decisive. This meant the simultaneous obsolescence of the cavalry of feudal aristocracies and of nomadic tribes. In Pavia, the Spanish *tercios*, and in Khazan, the Russian *strelitz*, opened a new chapter in political (and military) history. It was not just the birth of the modern state, but in contests between state and non-state (internal and external), i.e., other forms of political organization, the first won almost always. Thus, feudal aristocracies met a political "end" similar to that of the nomads, which for millennia had been

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one of the main motors of the history of the Old World: in the same years in which the aristocratic Fronde was losing the conflict with the French monarchical state of Jules Mazarin and Louis XIV, the Russians and the Chinese met on the Amur River and defined the frontiers of their respective empires. The nomads were surrounded in their tents in the same way as the great French nobility was monitored by Versailles. There would not have been any of those eruptions in the settled lands which, from the protohistoric Indo-European invasions to Tamerlane, periodically changed the world. Nomads were regressing (in political possibilities) from Genghis Khan to Pugachev: from the emperor to the rebel. This is how that "fluent, vacillating principle" in history that Hegel identified with the nomads was re-dimensioned and practically disappeared.[6]

It would be interesting to determine how much of this political-institutional "enclosure" was due to the spirit of the Renaissance and the Reformation, and how much to the fact that muskets and artillery were much more efficient in setting maritime frontiers, and monarchical power was a lot less conditioning. The "spirit" of modernity and so-called material elements have contributed to the same outcome. In this context, one should recall Karl Marx's remark that humanity poses for itself (and resolves) only those problems for which there is a solution.[7] The system of European sovereign states came about precisely when its "material" conditions made it possible. At any rate, it seems decisive that the "enclosure" was not possible, at least to the degree of efficiency that was achieved, without "modern" technology: a few trained soldiers with firearms could stop and defeat much more numerous hordes of valiant nomadic warriors (something that, in the process of conquest and expansion, was repeated in America).

The complexity of new military organizations ruled out (or made improbable, and therefore marginal) small and badly organized groups (i.e., not organized as states) significantly harming states, even the smallest and weakest, such as the German and Italian principalities — at least on land. On the sea, the situation was somewhat different. The development of Atlantic piracy at the expense of even the Great Powers, and the continuing presence of Mediterranean piracy (which, however, as Montesquieu wrote,

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6. See G. W. F. Hegel, *Vorlesungen über die Philosophie der Geschichte* (Firenze: 1941), p. 212. Hegel goes on to discuss law: "They are not tied to the soil, and they know nothing of rights which the fact of living together, along with agriculture, render obligatory. This incoherent principle has a patriarchal constitution, but breaks out into internal wars and robberies, as well as in aggressions against other peoples."

7. See Karl Marx, "Preface" to *Zur Kritik der Politischen Ökonomie*.

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affected primarily the commerce of small states) was due to the fact that on the sea the relation between *power* and *vulnerability* was disproportionate: maritime commerce was more vulnerable. It was much more difficult to chase pirates on the sea than to chase foot-soldiers on land.

Schmitt's intuition that air travel modified both war and the character of the "political" has been confirmed by recent terrorist attacks. The new type of terrorism (carried out, among other things, with airborne means) has other characteristics in common with air offensives — characteristics already described by the Italian General Giulio Douhet, the pioneer of "total" air war. First of all, there are no front lines, because they are impossible (or superfluous): with airplanes, terrorists can go behind them without first having been forced to fight. Second, even natural barriers cannot contribute to re-establishing them: thus, airplanes, like the terrorists, are "independent of the surface, able to move in all directions with equal ease." Third, "war can make its direct repercussions felt beyond the longest reach of firearms used on the surface, over hundreds of kilometers, over the whole of enemy territory. No longer can there be any zones in which life can go on in complete security and relative tranquility. Battlefields no longer can be limited: "Everyone becomes a combatant, because everyone is subject to direct enemy attack: there can no longer be a division between belligerents and non-belligerents." Fourth, "victory achieved on the surface does not protect the winning people from the adversary's air attacks." Consequently, Douhet concluded: "All this must inevitably bring about a profound change in the forms of war, because the essential characteristics are radically changed."[8]

Thus, the strongest armies and the most powerful navies cannot avoid the damage that air attacks — and the new terrorism — are able to inflict. Even the laws of war that tend to civilize or limit conflicts, or at least hostile acts, are not possible in air or terrorist wars. In this type of conflict, the plunder that usually satisfies the aggressor's avidity, thus generally sparing the losers' lives, is not possible. The only objective of attacks becomes the destruction of the enemy's life and possessions, regardless of the classical distinctions of the "bracketed" war of the *jus publicum Europaeum*.

This conclusion undermines the *de facto* foundation of the modern state which, characterized by the distinction between internal and external, is based on the concrete possibility of closing ports and borders, and in so doing reducing and minimizing both hostile acts that cannot be related to

8. Giulio Douhet, *Il Dominio dell'Aria* (Rome: 1955), pp. 9-10.

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"classic" war, and the subjects that can carry it out. This new element is susceptible to unthinkable developments in a system of international relations dominated by "normal" subjects (states) and constructed with institutions and relations regarding the (classical) idea of the state and of interstate conflicts. There is no longer "opposition" between land and sea, and the consequent delimitations in air wars (irrevocable damage on the sea hardly ever turned into damage on land; in inter-European wars, maritime powers always had need of some kind of "swords" on the continent): airplanes can hit indiscriminately over land and sea, and shift the attack from one to the other without changing the means it employs.[9]

The same goes for terrorist wars, carried out by small units able to avoid the control and the regimes of "lines" (boundaries, fronts, "friendships") typical of the classical international order, including war, as well as all other distinctions related to the right to war (belligerents and neutrals; civilians and military, etc.). Since air war and terrorism do not recognize any "lines," they weaken and trivialize juridical distinctions that constitute "ideal" enclosures necessary for humanizing war and avoiding the peculiar dynamic of the "rise to extremes," i.e., absolute war.

In the quoted passage, Schmitt posits how new forms of war and domination modify relations between protection and obedience, the structures of political (and social) power, and relations among powers. Thus, he connects the external to the internal, and emphasizes the influence of actual concrete situations over the normative state of affairs. It is well-known that concrete factors (geographical, historical, climatic, etc.) condition the order of human communities. This has been pointed out by many, from Montesquieu to Maistre. Less well-known, or often overlooked, is that societies usually organize themselves in the form that best allows them to carry out war in a determinate historical epoch. At any rate, the relation between institutions and war is part of human thought — at least according to Polibius of Magalopolis and his explanation of the rise of Rome.[10] Of all the factors that determine the structure of society, the latter, despite certain abstractions of political "projecting" (practiced by ideologues, doctrinaire thinkers, and utopians), is one of the main ones: if a "perfect" society is not organized in a way that allows it to protect itself against various neighbors, not equally sophisticated, rich, pious, or just, but better

9. Schmitt writes that the *conquistadors* (but also the English colonizers) moved very fast in their ships on the sea and on horseback over land. This is how they subjugated the natives. Air war avoids this inconvenience of having to change means of transportation.

10. See Book IV of his *Histories*.

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equipped for war, it will only last a few years or, at most, decades. Long-lasting political units have been able to resolve that problem with institutions that were not adequate because they were good, but good to the extent that they were appropriate; on top of it all, they had the political sense to change them, even radically, whenever the *rei novitas* required it.

In particular epochs, certain forms of political organization are fortunate enough to allow for the existence of free communities; when they become inadequate, they are replaced by other forms of political organization. Until the 4th century, European, and particularly Mediterranean communities had the form of the *polis* or the tribe; only in the Middle East were there empires whose characteristics made them susceptible to attacks by their political enemies, as is demonstrated by the Persian wars. Beginning at the end of the 4th century, Mediterranean peoples organized themselves largely in regional political units: in the east, the Diadochs [the successors of Alexander the Great]; in the west, those of Rome and Carthage. Despite the rise of the Romans, "regional" realms and republics were able to fight effectively wars against future dominators: from Pyrrus, through Hannibal, up to Mitidis and Cleopatra, the Diadochs and Carthage challenged the growing power. The end of the last regional power, Ptolomy's Egypt, marked the beginning of one Mediterranean empire. Arnold Toynbee points out that in the 1st century the Old World, from the Atlantic Ocean to the China Sea, was divided into only four great empires, outside of which were a myriad of small political communities, some clients, but most of little interest to the empires because they were too weak to make war. More recently, the constitutional arrangements and internal public law of two "maritime" powers have been considered typical of two "islands" in a geographical (and political) sense: England, by Maistre;[11] and the US, by Tocqueville (because it lacked *credible* enemies at its borders).[12]

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11. See *Du Pape*, Vol. II, p. 2.

12. Alexis de Tocqueville, *Democracy in America*, Book I, Chapter VIII, p. 1. Hegel made a similar point: "North America . . . has to be considered a State in the process of becoming: it has still not progressed enough to be in need of a monarchy. It is a federal State: but as far as foreign relations are concerned, this kind of States are the worst. Only its particular position has prevented this circumstance from causing total ruin. This can be seen in the last war with England," and he goes on to claim that "the free States of North America have no States at their frontier, unlike the predicament in which European States always find themselves, i.e., States that must be regarded with suspicion and against which they must keep a standing army. Canada and Mexico cause them no fear." See *Vorlesungen über die Philosophie der Geschichte* (Florence, 1941), p. 231. Note that both Hegel and Tocqueville make this point in view of the fact that some New England States refused to send their military contingents to the 1812 war against England.

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The situation was different for continental states, because of their need for permanent armies, always powerful means of defense and centralization, but at times also of oppression. This means that, paraphrasing Marx, the way to make war determines the way to govern. In this sense, the right to war in modern Europe's international law was peculiar to sovereign states — not only those having substantial cultural homogeneity, but also political forms and similar ways of fighting, and therefore of taking advantage of, or doing damage to, each other. With the relative exception of maritime powers, this implied common rules, because the subjects of the international order were similar, or at least not too unequal.

For a number of reasons, the present situation seems different. In terms of the present discussion, there are various consequences concerning the form and organization of political entities. First, the state's geographic and political "enclosure," upon which its ideology was based, becomes more difficult to attain, as do the "goods" guaranteed to the community: order, peace, and security. In a world in which states relate to each other as if they were in a state of nature, "defensive peace" is such if it succeeds in guaranteeing enclosure and the distinction between internal and external. If boundaries no longer exist, then disorder and insecurity penetrate the internal sphere, and the ability to guarantee "protective activities" is proportionately reduced. Second, in the 20th century certain developments contributed in various ways to diminish and/or to deny this "enclosure." Marxism-Leninism's global civil war, with the contraposition of friend-enemy (bourgeoisie vs. the proletariat), and the threat — often projected (and deployed) revolutionary war by the proletariat, *friends* of the USSR, and fifth columns within bourgeois states — was the most ideologically intense.[13] Al Qaeda's new terrorist threat also denies the distinction between internal and external[14] (and all other distinctions peculiar to the *jus publicum Europaeum*). It

13. Here, a good example is Stalin's 1934 speech at the XVII Congress of the Soviet Communist Party: "War will unfold *not only on the front, but also within enemy countries*. The bourgeoisie can be sure that the numerous friends of the working class of the USSR in Europe and in Asia *will attempt behind their backs to hit their oppressors who would dare to undertake a criminal war against the country of the working class of all countries . . .*" Stalin's threat was addressed primarily to liberal democracies. It was carried out, as is well-known, in an altogether different way.

14. The common trait between Marxism-Leninism and Islamic fundamentalism seems to be not only the breaking with states and boundaries, in order to discriminate between enemies and friends, but also to disempower or to deny the very idea of the state. If, in Marxism, this is destined to disappear with the advent of the classless society, in (more or less fundamentalist) Islam it seems to deny the distinction between spiritual and temporal power, which is the basic characteristic of the modern European state.

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also seems to deny the friend-enemy distinction on the borders of existing states, Islamic or not, by contraposing believers and infidels.

To some extent, if for other reasons, the same aspiration seems to be at work with respect to leagues of states or international institutions which seek to rule out recourse to force by substituting "legal" or para-legal procedures (of Kantian inspiration). They tend to blur the distinction between internal and external, but without many expected benefits. They cannot bring about peace other than through war, which differs from a "normal" war only because it is declared and carried out by a league of states, rather than a single one.[15] Kosovo is the clearest example of this predicament, because the opportunity (and the motive) for the intervention was not external aggression (as in the case of the first Iraqi war, following the occupation of Kuwait), but the repression carried out by a sovereign state over the Albanian population residing within its borders. This has challenged the state's right to carry out its "police" function, i.e., the indemnification of the internal enemy (the rebel) and the criminal. Thus, the principle of non-intervention in a state's internal affairs, essential to the distinction between them and external affairs, collapses. In Weberian terms, closed relations are increasingly substituted with open ones.[16] The result of all this is not to substitute the right to war, but of expropriating the state's right of identifying the internal enemy by transferring this right to an international institution, which also corresponds to the power to exercise "legitimate violence" and to guarantee peace, not only among states, but also within them.[17] In this sense, the term "international police action" is correct, yet misleading, because the action is not international in the sense of relations among various states, but rather internal to a particular state. There have been other instances in the 20th century of the state's exclusivity in exercising justice

15. When it comes to applying universal human rights, this contradicts the principles of an international order: not only that of "enclosure," whereby the state that decides what counts as law within a political unity; but also the principle that to determine a state's "legitimacy" it is not the conformity of its laws and behaviors with an ideal or positive system of norms, but the effectiveness of power over its own territory. That this criterion is not only realistic, but appropriate, is shown by the fact that recognitions and agreements apply only to states that can guarantee peace or threaten war.

16. See Max Weber *Economy and Society*, Vol. I, p. 1, cap. I, paragraph 10.

17. In developing coherently certain positions of "legal pacifism" one has the impression that the enigma of history has been resolved, by repeating Hegel's statement: "World history is the world court," i.e., having found the appropriate world court able to judge and structure world history. But this is not the real relation between history and tribunals (even authoritative ones). This is proven by the fact that it is always the winners that become the judges, and the losers those indicted.

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being transferred to international institutions.[18]

Given relations and distinctions between internal and external, law and power, political form and ways of waging war, it is necessary to see in what guise new types of hostility can modify the *nomos* of the earth or, in a more limited way, the international order. In the current situation, no state seems able to exercise fully the right to war, because no state is able to pursue a war (with some possibility of survival) with the US. Thus, law does not correspond to power — limited to *realistically* possible wars. Even these types of hostility (between states without an excessive disequilibrium of power) are possible only when the superpower does not feel threatened: *de facto* subject to a possible US veto. In such a situation, terrorist wars, carried out by small groups, are the only type of war possible. This means that, paradoxically, these small groups are more efficient and appropriate than the state in exercising the right to war (despite the fact that this right is not recognized to them). This entails a break between law and power, which is confirmed by the fact that most post-WWII conflicts have not been wars among states, but rather between a state and a faction (a party, an ethnic group, etc.) or among factions within a state.

At this point, the problem arises as to whether it is possible to consider a political group or entity deprived of the right to war to be a state in the sense of the *jus publicum Europaeum*. Jurists are accustomed to the principle that, if an institution is deprived of an essential attribute, it cannot be described by its original definition. When a state loses its right to war, its ability to protect is also lost. Is it possible, then, to describe a state in terms of Hauriou's "functional" definition: "To protect the individualist society though its government, to guarantee peace and order inside and outside by means of its armed forces, through its diplomacy, its police, its legislation and its courts,"[19] of which *protection* is the essential element? Of course, an entity lacking the right to war can be called a "state," in the same way that the previously-mentioned euphemism defines wars *tout court* as "international police actions."

Actually, the Hobbesian relation of protection and obedience, and the effectivity of the sovereign decision, are based on the state monopoly of

18. As it is well-known, this Treaty have not been ratified by the world's strongest military powers, such as the US, Russia and China, and not even by those that would have more occasions and temptations to violate the regulations instituted by the Treaty, such as Israel, India, or Pakistan. It is unclear how peace and law can benefit by norms that are not applicable to the most probable transgressors.

19. See *Précis de droit Constitutionnel* (Paris, 1929), p. 49, in which it derives the essential functions (the one cited is the first).

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legitimate violence, which appears doubly eroded: first, by the previously mentioned partial lack of identity, and, second, by the role of international institutions. But if the state is no longer the "great machine" able to generate peace and security, it cannot keep the "state of nature" beyond its borders. There is nothing in sight able to substitute for the modern state. What is visible is rather a return, *mutatis mutandis*, to pre-modern political forms, occasionally imperial, feudal, particularistic, and at any rate contraposed to the state and to the interstate order of the *jus publicum Europaeum*, because they are not based on enclosure or on the absolute character of the sovereign decision. Today, law is determined by power, which is practicable in a concrete situation and in continuous movement, but is less "calculable" and foreseeable, and therefore tendentially not comparable with the concrete, self-contained order determined by the sovereign state.

Conversely, the lack of coincidence between state, sovereignty, and the right to war points to political forms of confusion and superimposition between them: non-sovereign states, sovereigns without a state, non-state belligerents, etc. The empire, i.e., a political order that has taken different form in various historical situations, has not excluded either "internal" forms of hostility (such as "tribal" wars in the extra-european colonies or conflicts within the Holy Roman Empire), or the internal "peace" not comparable to that guaranteed by the "classical" European state, and in some cases, by "local" authorities that practice an external (therefore foreign) policy that does not coincide with that of an empire.[20]

Inter pacem et bellum nihil medium [Between peace and war there is no middle ground]: this statement by Cicero was adopted by Schmitt (as the title of a short essay) to denote one of the principles of classical international law, After WWII, however, Schmitt considered it to be obsolete, because of the growing practice to wage hostile non-military actions without declarations of war, yet carried out by states against other states.[21] After WWII (and already during the war), the unusual development with

20. According to Anabasis, a classical example of this is that of the satrap Tissafern against the Greek mercenaries or, as Otto Brunner writes, that of feudal lords in the Middle Ages: "there is politics pushed to the extreme consequence of war — not only among medieval states, but also within them . . . medieval realms are articulated in local powers, which compete for the right and the duty to carry out, within determined borders, an autonomous policy both inside and outside its territory. Rather, this policy, in some circumstances, can even turn against superior powers." See *Land und Herrschaft. Grundfragen der territorialen Verfassungsgeschichte Österreichs in Mittelalter* (Milan: 1983), p. 7.

21. See Carl Schmitt, "Inter pacem et bellum nihil medium," Italian translation in *Stato*, Vol. X (1939), pp. 541-548.

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partisan movements of new belligerent political subjects added a "new" political subject to the state.[22]

The next development is constituted by Al Qaeda, whose main differentiating characteristic *vis-à-vis* partisan movements and revolutionary parties is that of lacking, even in a fluid form, the features of a state "in embryo,"[23] but at least apparently adhering to the "state" form. This has not prevented an organization without a people and a territory (i.e., two of the three fundamental characteristics of the state) from waging "war."[24] Thus, the presence of political subjects that do not belong to a state, and the "unlimited" and "irregular" character of wars that they carry out, contraposed to war between the states of the *jus publicum Europaeum*, seems difficult to relate to an order which, like the classical one, constitutes a system of relations based on a context of reciprocal peace and security. The new post-modern *nomos*, recognizable when the state is declining along with the "classical" order, is much less reassuring than the one that developed in the modern age.

22. Actually this was an "old" development that dated back to the Napoleonic wars, as Schmitt points out in *Theorie des Partisanen* (1963), where he traces them back to the Spanish guerrillas of 1808-1812. More precisely, the first forms of the modern partisan war must be traced back further, to the Italian insurgents of 1796-1799 and to the army of the "sacred faith" under the guidance of Cardinal Ruffo, who reconquered Naples in 1799.

23. As Santi Romano pointed out in 1946, in a work concerning the revolutionary party: "it is a matter of an organization which, seeking to substitute itself for the state, has authority and power, and functions more or less analogously and correspondingly to the state: it is a state organization in embryo which, gradually, if the movement is victorious, develops ever more in that sense." See Santi Romano *Frammenti di un Dizionario Giuridico* (Milan: 1983), p. 224.

24. See Teodore Klitsche de la Grange, "Osservazioni sul Terrorismo Post-moderno," in *Behemoth* 30 (July-December 2001).

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Kant and Schmitt on Preemptive War[1]

Fabio Vander

Politics Beyond War: Immanuel Kant

In *Public Law*, which relies heavily on his book *Perpetual Peace*, Kant deals with the "state of nature," in which states confront each other "in conditions of natural freedom," i.e., "perpetual war."[2] The "state of nature" is "a state of war. . . even if it does not always entail an outbreak of hostilities, but only the constant threat thereof."[3] In order to avoid mutual destruction, states "force each other to overcome this state of war,"[4] and to establish a common law among states (*jus publicum civitatum*)."[5]

Kant presupposes the *bellum omnium contra omnes*,[6] where states are "naturally in a *non-juridical* condition (like primitive man without law),"

1. Translated from Italian by Eugenie Kunst.

2. Immanuel Kant, *Die Metaphysik der Sitten*, Part II, *Das öffentliche Recht*, §53, in *Immanuel Kant, Werkausgabe*, Vol. VIII (Frankfurt a/M: Suhrkamp, 1982), p. 466.

3. Immanuel Kant, *Zum ewigen Frieden* (1795), in *Werke in zwölf Bänden*, Vol. XI (Frankfurt a/M: Suhrkamp, 1964), p. 203.

4. Kant, *Das öffentliche Recht*, *op. cit.*, §53, p. 466. In *Perpetual Peace*, Kant maintains that as long as a state exists in the "state of nature" and does not accept the rules of a possible "universal political order (*ius cosmopoliticum*)," it will remain in a latent "state of war, from which the precise objective is to free itself." See Kant, *Zum ewigen Frieden*, *op. cit.*, p. 203. Politics beyond war, i.e., beyond the "state of nature," is Kant's fundamental objective as a political thinker.

5. Kant, *Das öffentliche Recht*, *op. cit.*, §53, p. 466.

6. *Ibid.*, §54, p. 467. In *Perpetual Peace*, Kant dealt with the need to overcome the "state of nature" among states (which is different from that of individuals before they constitute a state): "for states that have mutual relations, there is no other way but through the use of reason to overcome the lawless state in which only war exists, to relinquish, as individuals, their savage (lawless) freedom," and to organize themselves not as a "superstate" (which would entail hierarchic and judicial subordination, analogous to that of "individuals" with regards to their state), but in a free "confederation" of states with equal dignity and sovereignty. See Kant, *Zum ewigen Frieden*, *op. cit.*, p. 212.

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where the "strongest rules." Thus, the main Kantian problem is how to define an inherently illegal predicament that will remain so even when there is no real war. He knows that *bellum manet* [stopping war], even *pugna cessat* [delaying battle],[7] drives states to "find a solution"; he also knows that to overcome the *summa injuria* [consummate injury] of this condition "it is necessary to establish a federation based on an original social contract."[8] This is the only way humanity will be able to achieve a *jus publicum civitatum*," i.e., a condition of equality among states, even without a superior international power, i.e., without a hegemonic "superstate."[9] A union of states is preferable to the perpetual war inherent in the "state of nature," as well as to "their fusion by means of a superpower that absorbs the others and transforms itself into a universal monarchy."[10]

For Kant, war is possible even under conditions of domestic and international legality,[11] but it must never be the result of a despotic act — of an "arbitrary political act in compliance with the state's own laws."[12] Respect for the separation of powers goes together with another fundamental principle, i.e., that a citizen is not just a "means," but "an end in itself."[13] Therefore, as a "member of the legislative power," he must always participate in political decision-making, and "through his representatives he must be able to approve freely of not just war, but of every specific declaration of war." This is, *literally*, democracy,[14] i.e., the power of the people, and

7. Kant also says that a "peace treaty can well put an end to the current war, but not to the state of war (to the possibility of always finding a new pretext," which will remain "always tendentially developing until shared forms of organization and international rights are reached." See *Zum ewigen Frieden*, *op. cit.*, pp. 211f.

8. Kant, *Das öffentliche Recht*, *op. cit.*, §54, p. 467.

9. "This union does not entail a sovereign power, only an association (confederation)."

10. Kant, *Zum ewigen Frieden*, *op. cit.*, p. 225.

11. Kant claims that *perpetual peace* — the ultimate objective of international law — is certainly not "a feasible idea." *Das öffentliche Recht*, *op. cit.*, §61, p. 474. In *Zum ewigen Frieden*, *op. cit.*, p. 213, he advocates a world republic, aware of the difficulty of "containing the avalanche of belligerent and unlawful motives." Thus, he is not dealing with a vacuous pacifism, but with the constant search for a (world) government of "ruthless rage."

12. Kant, *Zum ewigen Frieden*, *op. cit.*, p. 207.

13. Kant, *Das öffentliche Recht*, *op. cit.*, § 55, p. 469.

14. For Kant, a "*republican* constitution" makes an individual not a "subject," but a "citizen," making him responsible, because his "consent" is essential to declaring war. Having to assume the military and economic burden, he is driven to favor peace. Kant, *Zum ewigen Frieden*, *op. cit.*, p. 206. Although Kant defended "republicanism" as "separation of the executive power (of government) from the legislative," he considered "democracy" as a form of "despotism," because he foresaw that majority decision-making would penalize the minority, which is also part of the population, and without which democracy would not make sense. *Ibid.*, p. 207.

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only "under these conditions, which limit state power, can the state demand from its citizens a service as dangerous as the military."

In a "state of nature," conflicts are inevitably resolved through war, given that, by definition, there are no rights or universally recognized institutions. In this context, forms of "aggression" that act out the latent *status belli* [state of war] are possible, as well as "threats" (going from war to battle) that legitimate "the right of pre-emption (*jus praeventionis*)"[15] as an anticipated response to a looming "threat." Kant mentioned "preemptive war" in *Perpetual Peace*. He recognized that, feeling threatened by some other state's army, states would be forced to "preemptive aggressions."[16] A "preemptive war" is possible, it is even a "right," but only in a "state of nature." In fact, when it is not possible "to achieve justice through a trial (the only means of settling disputes in a civil state),"[17] then there is a "right to war," i.e., a state can "uphold its rights through the use of *force against another state*." Preemptive war presupposes (and upholds) international lawlessness. But the problem is how to overcome a state in which "preemptive war" is possible and "force" is the only "law."

Kant is aware of the difficulty of conceiving "without contradicting oneself" of "a law in this lawless state (*inter arma silent leges*)." His solution is ambiguous (an "amphiboly," to use the language of *Critique of Pure Reason*), in that it tries to hold together legality and illegality, reason and force, humanity and arrogance. An oxymoron such as "rights in war" can be tolerated only if it means "conducting war according to principles, which always allows it to overcome this state of nature of states in their external relations in order to become a juridical state."[18]

Which "principles" favor a "legal state," which principles transcend "perpetual war"? Kant rules out a "punitive war (*bellum punitivum*), because "to give war a punitive character" would be "a contradiction in terms":[19] since "punishment is possible only in a relation between a superior (*imperantis*) and a subordinate (*subditum*), which does not apply to relations among states."[20] He also rules out a "war of extermination (*bellum internecinum*)," because it would lead to the "moral annihilation of a state (whose population would merge with the population of the victor or be made slaves)." Those

15. Kant, *Das öffentliche Recht*, §56, p. 469.
16. Kant, *Zum ewigen Frieden*, *op. cit.*, p. 198.
17. Kant, *Das öffentliche Recht*, *op. cit.*, §56, p. 469.
18. *Ibid.*, §57, p. 470.
19. *Ibid.*, §58, p. 472.
20. *Ibid.* §57, p. 470.

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who want to overcome the barbarous "state of nature" in favor of the "juridical state" cannot destroy their adversaries, annihilate them morally, not only for humanistic reasons, but also because doing so would never allow the overcoming of the *bellum omnium contra omnes*.[21] This would signal a general civilizational regression and a rejection of politics. Reducing the enemy to "slavery" or extending the victor's possessions is also forbidden, because this would upset the international balance of powers and generate new wars ("increasing the powers of one state can be a threat to the others").

As for getting out of the *state of exception* (i.e., the "state of nature") in order to restore a state of *normality* (politically and juridically), Kant writes that "the idea of international law implies only the concept of an antagonism according to principles of external freedom."[22] This can be easily interpreted as a definition of politics in which "antagonism" is normal (because leaving the "state of nature" does not entail the end of competition and fighting). This is an antagonism according to "the principles of freedom" (external, but also internal), not as imposition or "annihilation."

An "unjust enemy" for Kant is one who resists going from the "state of nature" to the "juridical state." At first sight, even this is problematic, even redundant, because "the state of nature is itself an unjust state,"[23] and all subjects in it (friends and enemies alike) are "unjust." But the redundancy disappears when one considers that here Kant is dealing with another "border situation" — another "amphiboly" — because it is not a question of two enemies in the "state of nature" (where it would be redundant to talk about an "unjust enemy"), but of one who tries to overcome this condition, while the other opposes the restoration of legality and politics. So the struggle against the "unjust enemy" is a struggle to the end, between legality and illegality, "juridical state" and "state of nature," politics and unpolitics.

This entails Kant's definition of the "unjust enemy"[24] as "one whose

21. *Ibid.*, §57, pp. 470-471. In *Perpetual Peace*, Kant had already come out against a "punitive war (*bellum punitivum*)" and a "war of extermination (*bellum internecinum*)," because they are typical of an anti-political and anti-juridical dimension, which today would be called totalitarian. He writes: "in a war of extermination, which annihilates both sides as well as all rights, perpetual peace would be found only in the huge graveyard of mankind." See Kant, *Zum ewigen Frieden*, *op. cit.*, p. 200.

22. Kant, *Das öffentliche Recht*, *op. cit.*, §57, p. 471.

23. *Ibid.*, §60, p. 474.

24. Kant, *Das öffentliche Recht*, *op. cit.*, §60, p. 473. In an absolutely anti-juridical state, for Kant, "neither party can be called an unjust enemy," because this presupposes "the sentence of a judge," i.e., law as opposed to lawlessness. An "unjust enemy" does not exist in absolute terms; it is a relational category (like a *justus hostis*). See Kant, *Zum ewigen Frieden*, *op. cit.*, p. 200.

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publicly manifested will (in words and in facts) reveals a maxim, which, if extended to universal rule, would make any state of peace between peoples impossible and would perpetuate the state of nature." So, the crux of the matter is whether to overcome or to perpetuate the "state of nature," because it is precisely this opposition between essentially different subjects that makes the concept of "unjust enemy" not redundant (it is not two similar subjects in the state of injustice, but rather one who is placed outside — in a state of justice — while the other remains "unjust"). Kant writes: "the expression 'unjust enemy' is a *pleonasm* (redundancy) if applied to the state of nature,"[25] but not when "applied" to relations between the "state of nature" and the "legal state."

War Beyond Politics: The Many "Surprises" of Carl Schmitt

According to Schmitt, the real "influence" of Kant's political philosophy "became evident only in the 20th century."[26] In fact, if the 20th century is seen as the age of criminalization of the enemy, then Kant must be considered, according to Schmitt, the first great modern theorist of discriminatory war. Schmitt turns the question around. Kant, who theorizes the overcoming of the "state of nature" in favor of politics and law, is mistaken for the precursor of Nazism and Communism, i.e., as responsible for the category of the "unjust enemy." Only in this light can the 20th century, which actually marked the defeat of Kantian humanism, be seen as a century influenced by Kant. Not understanding the nexus between the "state of nature" and its criticism, Schmitt claims that Kant's political thought has a "double face," is ambiguous, and split. Although Schmitt acknowledges Kant's critique of "punitive war" and "war of extermination," i.e., the effort to avoid criminalizing the adversary, he nevertheless says that Kant expounds the concept of *unjust enemy* in "a thoroughly perplexing manner."[27] This "perplexity" derives from not having understood Kant's deduction of the nexus between the critique of the *bellum omnium contra omnes* and the recovery of justice and legality.

Thus, when referring uncritically to the passage in which Kant writes that "an 'unjust enemy' is a *pleonasm* when applied to the state of nature," Schmitt is "surprised" that Kant should fall into this redundancy. But this only confirms that Schmitt did not understand that this concept is perfectly

25. Kant, *Das öffentliche Recht*, *op. cit.*, §60, p. 474.

26. Carl Schmitt, *The* Nomos *of the Earth in the International Law of the* Jus Publicum Europaeum, tr. by G. L. Ulmen (New York: Telos Press, 2003), p. 168.

27. *Ibid*, p. 169.

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plausible when applied not to the "state of nature" (where Kant does speak of *pleonasm*), but to the relation between justice and injustice, "state of nature" and *Rechtsstaat*. In this Kantian reading, the "unjust enemy" is not a *pleonasm* when it refers to the one who also continues to reject the law after the end of the "state of nature," so that it is "right" to oppose and to fight him. The "just enemy" is not absolutely so, because under conditions of justice there are no "enemies," but only "just friends," which is definitively a *pleonasm*, but specifically in contrast to an "unjust enemy." In other words, the "just enemy" is the legitimate defender of the "juridical state" against the perpetuator of the "state of nature."

Thus, when Schmitt writes that Kant is confused about the doctrine of *justus hostis*,[28] it is actually Schmitt who is confused, because he does not know how to deal with concepts of relation: the "unjust enemy" is unjust in relation to the "just enemy" and *vice versa*. Schmitt has his own definition of "*justus hostis*," according to which every state is just, regardless of "the causes of war or the justice or injustice of such causes," i. e., an abstract, partial, formalistic, and politically suspect definition. Schmitt rejects the ideological reasons for the definition of the enemy (whether just or unjust), calling "formal" the reasons for which a state wages war (which he tendentiously defines as "discriminatory"). But this critique of formalism is itself formal. Its goal is to homogenize all subjects and to cancel all differences. That happens when the only criteria becomes "*the equal sovereignty of states*"; in fact, if a state is legally sovereign, it does not matter if it formally exterminates Jews or Kulaks. It is always "right," and any "war between states, between equal sovereigns, was legitimate."[29] Result: Hitler was a "*justus hostis*." Here, Schmitt's objective is to legitimate Hitler.

What Schmitt refuses to see is that, while from the very beginning the modern legal system distinguished between *justus hostis* and "criminal," it did not exclude, beginning with Kant, that there could be sovereign states that criminalize themselves or criminals who make themselves into a state. This is the real reason that eludes Schmitt, and why Kant does not speak aporetically or redundantly of "unjust enemy." It is not just a question of ideologies (always arguable), but of making the anti-state into a state, the illegal legal. This is why Kant's category of "unjust enemy" is not "surprising." It is normal, at least for those who share Kant's views and his fear (a very modern fear) of the *exception* becoming the *rule*, of violence imposing its own law and state. A "discriminating" attitude

28. *Ibid*, p. 168.
29. *Ibid*., p. 120.

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toward those who deny politics and law is logical and just; he who is not a conventional enemy *inside* the international community, but an absolute enemy *of the* international community, should be "an outlaw, a pirate."[30]

For Schmitt, "discriminatory" war in the 20th century marked "a retreat from the juridical concept of *justus hostis* to a quasi-theological concept of enemy,"[31] i.e., to an arbitrary concept as compared with the presumably greater objectivity of a purely juridical concept, which presupposes the equality of states. Kant is clear in his definition of the "unjust enemy": it is he who "in words as well as in deeds" not only generically threatens peace, but makes a universal rule of the negative, of the anti-juridical and of war, resulting in a "perpetuation of the state of nature," of the anti-political condition. This surely can be called totalitarian.

Even though Schmitt says that Kant's definition deserves the "closest attention," his interpretation is reductive. He calls Kant's maxim "discriminatory," because it breaks the nexus between the denunciation of totalitarian ideology (the unjust enemy "*reveals a maxim* by which, if it were made a universal rule," etc.) and the perpetuation of the "state of nature," so that of "unjust enemy" remains only the ideological, propagandistic, biased definition.[32] Schmitt uses all this to maintain that this abstract and woolly category of "unjust enemy" is an ideological expedient used by modern democratic and juridical thought to discriminate against other states. Since Kant adds that against the "unjust enemy" the rights of a state "have no limits,"[33] Schmitt draws the conclusion that it is democratic states that annihilate their enemies. At this point, the reversal is perfect: democratic states are totalitarian, because they criminalize and destroy the enemy, while the idolaters of the "state of nature" seek only the recognition of "equal rights and sovereignty."

Schmitt dismisses Kant's claim that it is through the "unjust enemy" that the "state of nature will be restored" as "an extension of a broader and more general proviso," and adds: "we would like to see the unjust enemy *in concreto*."[34] But this is clearly a weak schematic distinction compared to Kant's reasoning. Undoubtable, the "unjust enemy" *in concreto* is that described by Kant, i.e., one who through his "words" and "deeds," his ideology and practical politics, effectively rejects the reasons of law and

30. *Ibid.*, p. 92.
31. *Ibid.*, p. 95.
32. *Ibid.*, p. 169.
33. Kant, *Das öffentliche Recht*, *op. cit.*, §60, p. 473.
34. Schmitt, *The* Nomos *of the Earth*, *op. cit.*, p. 170.

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peace, and organizes his state through terror and war: totalitarianism. The "state of nature" and totalitarianism go together, and the "unjust enemy" is nothing more than the un-political subject of totalitarianism.

When Schmitt finds Kant's definition of "unjust enemy" unjust, it is only for ideological reasons; he is the theorist of anti-rights, of the "state of nature," of an *unpolitical doctrine* or the ideology of totalitarianism. Having forgotten the Kantian difference between the "normal" political subject and the totalitarian one, Schmitt is "surprised" a second time, when Kant argues that the "just" victors of the "unjust enemy" need not annihilate him, need not wipe out the state or requisition its territories, etc. Persisting in the misunderstanding, he attributes this magnanimity to Kant's "greatness" and "humanity," i.e., once again to an abstract, almost naive moralism, not realizing that the problem is about defeating the enemy of politics and law in order to restore a condition of international legality — not about perpetuating the nihilistic logic of the "unjust enemy."

The legend of Kant's *humanistic formalism* requires some clarification. Already in 1786, Kant spoke ironically of the "empty nostalgia" of the "golden age," of the legendary freedom of the "South Sea Islands."[35] He denounced the "emptiness" of these utopian illusions, which he also defined as "children's games." In 1793, he maintained that the idea of "a universal state of the people" was "pedantic and childish,"[36] if left to the good will of states. But there was a realistic way to achieve it: "international law founded on public laws with the power to back them up."[37]

Thus, Kant postulated the strategic problem of the restoration of politics after totalitarianism, while Schmitt does not understand why, after defeating the "unjust enemy," he is not annihilated. He is not annihilated, because it is the "just enemy" who defeated him, i.e. he who wants to overcome the "state of nature," not to perpetuate it, to replace the unjust enemy's past excessive power of with that of the victor. This is further confirmed by Schmitt's third surprise. He finds even "more remarkable . . . the mixture of recognition and rejection of the idea of a just enemy,"[38] inasmuch as Kant would first legitimate war against the "unjust enemy," but then would refuse to act against him, even guaranteeing

35. Immanuel Kant, *Muttmasslicher Anfang der Menschengeschichte* (1786), in *Kant Werke in zwölf Bänden*, Vol. XI, *op. cit.*, p. 101.

36. See his *Über den Gemeinspruch: das mag in der Theorie richtig sein, taugt aber nicht für die Praxis* (1793), in *Kant Werke in zwölf Bänden*, Vol. XI, *op. cit.*, p. 172.

37. Kant, *Das öffentliche Recht*, *op. cit.*, p. 171.

38. Schmitt, *The* Nomos *of the Earth*, *op. cit.*, p. 170.

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"amnesty," etc. But these measures aim precisely to restore politics and international normality. For this reason, it is foundational, rather than moralistic that the "unjust enemy" must be restored, transforming injustice into justice (in this sense, "amnesty" can be an incentive to restore civility).

In Kant's crucial positioning between the crisis of politics and the restoration of politics, there is no "surprising oscillation." So, to say that Kant "is a philosopher and an ethicist, but not a jurist"[39] is wrong, as is to write that, on one hand, "he has the *justus hostis*, and on the other, the *unjust enemy*," because it confuses the nexus between the two, suggesting only the result of an uncontrolled juxtaposition of the criminalization of the enemy and Kant's presumed humanitarian moralism.

This is the same misunderstanding that leads Schmitt to say that Kant deprived "an opponent of his character as a *justus hostis*" and used "a philosophical ethic to deny the concept of *justus hostis*, and, by introducing discriminatory war, to destroy the work of jurists."[40] But the opposite is true: for Kant, the unjust enemy is a borderline case, which must be removed — not introduced — exactly like "discriminatory war" (which is the responsibility of the "*hostis injustus*," not of the "*hostis justus*"), in order to go back to a normal confrontation between "*justi hostes*"; Kant's problem is how to eliminate an effective "*hostis injustus*," not how to invent a fictitious one for ideological purposes.

In order to complete his denigration of Kant and of all modern democratic thought, Schmitt distorts some fundamental concepts, such as "state of nature," which from Hobbes to Kant saw states "live as 'moral persons' in a state of nature, i.e., that the representatives of *jus belli*, without a common, institutional, higher authority, confront one another as sovereign persons with equal legitimacy and equal rights."[41] Schmitt does this in order to reiterate the thesis that, in case of war, which is the most likely condition in the "state of nature," it is not legitimate to criminalize any state. He is aware that, according to classical doctrines, in the state of nature an "opponent is nothing but a wolf," but, pressed by the need not to criminalize any state, he maintains that for juridical theorists *homo homini lupus* [man is a wolf to other men] "has no discriminatory meaning."

Actually, Schmitt wants a "state of nature" without an "unjust enemy." He recognizes *homo homini lupus*, if it is not "discriminatory." But what good is it if it is not "discriminatory"? Ideological pressures distort Schmitt's

39. *Ibid.*, p. 171.
40. *Ibid.*, p. 171.
41. *Ibid.*, p. 147.

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interpretation of modern political categories. To use the category of "state of nature" implies accepting that it is "discriminatory." In other words, Schmitt wants all the advantages of the "state of nature," i.e., all legitimate states, even in war, basing their legitimacy only on the force of their respective sovereignty (without acknowledging superior international bodies or vacuous moral laws), and without the disadvantages of total war.

Such a *denaturalized* "state of nature," i.e., removed from its "discriminatory" component, should foster, according to Schmitt, a new season of politics, founded on political-cultural *Großräume*, sufficiently extended and homogeneous, and with conditions of equality among them. In reality, this must seem improbable even to Schmitt, who shows surprise for the fourth time. Thus, he writes: "The transformation of creedal, international civil war in the 16th and 17th centuries into 'war in form,' i. e., into state war circumscribed by European international law, was nothing short of a miracle"[42] — without a supranational authority and only by virtue of the equilibrium established between states. This time, the surprise is due to the fact that the "state of nature," as an *inter pares* plurality, could produce order. As a matter of fact, it cannot. The European order which followed the religious wars was not the order of the "state of nature." It was the order that comes after the "state of nature" has been overcome; it is the order after *bellum omnium contra omnes*. Moreover, the "*justus hostis*" presupposes the political constitution, the "balance between European states." In the "state of nature," an order is not a "miracle"; it is impossible.

As already mentioned, Kant was clear when specifying that the "state of nature is in itself an unjust state," which "must be overcome in order to become a legal state," which means *in primis* to identify and to eliminate the "unjust enemy." Schmitt's *denaturalized* "state of nature," which upholds war and imposition without an "unjust enemy," is simply aporetic; his criticism of ideology is ideological (in fact, to eliminate the "unjust enemy," it is not enough to define him as "just," as this would only "normalize" Nazism). While Kant postulates politics after war,[43] Schmitt postulates (total) war as the only alternative to the political crisis. Not "politics beyond the state,"[44] but Nazism, i.e., anti-politics, *homo homini*

42. *Ibid.*, pp. 150-151.

43. This is why Kant writes that the positions acquired in international warfare "only have *provisional* value," not because he is a vague humanist, but because it is clear to him that the "state of nature," i.e., of war and conquest, is "a state that must be overcome in order to enter into a legal state." See Kant, *Das öffentliche Recht*, *op. cit.*, §61, p. 474.

44. See Giuseppe Duso, ed., *La politica oltre lo stato: Carl Schmitt* (Venice: Arsenale editrice, 1981).

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lupus (where the wolf cannot even be called wolf), beyond politics.

Schmitt misinterprets the foundation of modern politics set out by Kant and considers him to be the originator of "the normative abolition of interstate, European international law."[45] Accordingly, the crisis of the *jus publicum Europaeum* originated with Kant, whose abstract "normativism," i.e., his abstract morals, authorized ideological differences ("just," "unjust", etc.) between states, which then became typical of 20th totalitarianism. Presumably, this normativism had been negated by the first modern jurists, who "had not thought to deprive an opponent of his character as a *justis hostis*,"[46] i.e., of ideological motivations which can bring a state to war. For Schmitt, the modern concept of war was "based on the sovereign state — on the *aequalitas* of the *justi hostes* — rather than on the justice or injustice of the reasons for war offered by either side."[47]

In reality, war has always been "discriminatory." With all the jurists whom Schmitt presents as theorists of an ideologically "agnostic" war, from Ayala,[48] to Grotius and Vattel,[49] the discriminating element (ideological, religious, etc.) remains pivotal, which is why Schmitt accuses them of "confusion."[50] Even the remarkable exception of "just war" against Napoleon is made relative with reference to the "restoration" (which lasted up to WWI). Kant is accused of "confusion," just like Grotius and Vattel. He is criticized for grounding his concept of "unjust enemy" on ideological motivations, and for unilaterally accusing the enemy of being moved by unworthy "causes." In a lively passage, Schmitt writes: "A preemptive war against such a enemy would be considered to be more than a just war. It would be a crusade."[51]

The similarity with today's problems is disconcerting; the terms are the same: "preemptive war," "just war," "crusade," and even criminalization of the enemy. But today there is also talk of "rogue states," against which war would not only be "just," but there would even be the right to fight without limits; where not having limits means that "war is legitimate even when it is "preemptive." Such a war can be easily defined as a

45. Schmitt, *The* Nomos *of the Earth*, *op. cit.*, p. 169.
46. Kant, *Das öffentliche Recht*, *op. cit.*, p. 124. Schmitt's tendentious use of this distinction is once again clear: Nazi Germany is to be considered a "*justus hostis*," even though the extermination of the Jews is not exactly a "*just cause*."
47. Schmitt, *The* Nomos *of the Earth*, *op. cit.*, p. 159.
48. For Ayala "both sides of a war cannot be just." *Ibid.*, p. 154.
49. *Ibid.*, pp. 165-166.
50. *Ibid.*, p. 160.
51. *Ibid.*, p. 169.

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"crusade," as the President Bush said after the terrorist attacks on the Twin Towers and the Pentagon (he later corrected himself in order not to offend moderate Arab countries). In 2003, the terrorist Osama bin Laden, in a recorded message on Al-Jazeera television, called the Anglo-American soldiers who were about to invade Iraq "infidel crusaders."[52] So was Schmitt right? The prophetic nature of his view is not in dispute. The error lies in considering Kant to be the precursor of this tendency (from Hitler to Osama,) whereas Kant is the most timely opponent: already at the end of the 18th century, it was he who sensed what would happen if the "state of nature" was not "overcome" through a return to politics.

Schmitt's dismissal of Kant — based on the fact that his characterization of "unjust enemy" is ideological and arbitrary — is not only wrong, but dangerous. Preemptive war must be condemned and eliminated, not by rejecting — as Schmitt does — the underlying problem, i.e., the reality of an "unjust enemy" (today, terrorists), but by rejecting the preemptive-punitive war as the best solution, i.e., the doctrine according to which the "unjust enemy" can be eliminated only if democracy — the West, the civilized world — interjects its most characteristic paradigm: criminal logic and the aggressive charge that drives it.

Thomas Hobbes and President Bush's "Strategy for National Security"

The novelty of the US national security strategy announced by President Bush in Sept. 2002 is in formalizing the shift from the defensive logic of "deterrence," i.e., from a "war of position" typical of decades of confrontations with the USSR, to a new offensive strategy "of movement," which strikes before the "unjust enemy" attacks (or attacks again).[53] The point of contact with Schmitt's misunderstandings is in wanting to resolve the problem of the "unjust enemy" (identified according to Kant's criteria: his subversive "words" and his terroristic "deeds") by sinking to the foe's level — total war — without constructing an alternative new world "balance."

52. From the February 12, 2003 newspapers.

53. Here, the Gramscian distinction between "war of movement" and "war of position" is useful. Gramsci held that the Bolshevik Revolution was the last war of movement, the last manifestation of 19th century offensive and insurrectionist policies; in the 20th century, different political timing would triumph, consisting of gradualism, of seeking and organizing consensus. On Gramsci and the metamorphosis of politics in the 20th century, see Fabio Vander, *Che cos'è socialismo liberale? Rosselli, Gramsci e la rivoluzione in Occidente* (Manduria-Rome: Piero Lacaita Editore, 2002). The Bush doctrine seems to mark the revival of offensive war and a new centrality of war. The confrontation in the next decades will probably be between two "hegemonies": between two opposing strategic projects, one centered on war, the other on politics.

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The change in the doctrine of war, the shift to offensive strategies that invert the paradigms of "deterrence" and "retaliation" (revenge aimed at a specific target), are not new; all international strategic schools have used it, especially since the Gulf War. Thus, after losing its status as a superpower and the related need to be "prudent," Russia has been experimenting with aggressive strategies, especially in Chechnya, which "involve the entire population"[54] — involvement consisting not only in military repression, but in strangling the economy, ideological and civil humiliation, etc. Even China has accelerated the modernization of its military, focusing on the creation of "rapid reaction forces." Already in 1995, General Lu Zinzhi maintained that "in a high technology war the weaker party should not wait for the adversary to attack, but should launch a preemptive attack against vital deep objectives in order to undermine the adversary's technological superiority and offensive capacity."[55]

The Sept. 2002 American document must be viewed in this context. It says that not only "the weakest party," but also the strongest world power is not willing to "wait for the adversary to attack," and chooses to resort to "preemptive attack," which thus becomes the norm of the future, and not only with regard to war. In fact, the nexus between the the Bush administration's new security strategy and the economy, in particular unrestrained liberalism, has been confirmed with brutal frankness by the US Secretary of Defense, Donald Rumsfeld. According to him, the military must adopt an economic morphology, a "more entrepreneurial approach" to war; to learn to "take risks," to behave "like venture capitalists,"[56] etc. Thus, the risks of a return to the "state of nature," to a post-modern *bellum omnium contra omnes*, are not just theoretical. The new American strategy says that "the only path to peace and security is the path of action," seen as a "proactive" attitude, i.e., one of confronting "emerging threats before they are unleashed." It also claims that the "best defense is a good offence."

This text should not be dismissed as outdated imperialism. There is an underlying thought — a neo-Hobbesian thought — which requires a careful reading. If Hobbes' problems were the English civil war and tyrannicide, Bush's starting point is also the civil world war of terrorism and the

54. Quiao Liang, Wang Xiangsui, *Guerra senza limiti* (Gorizia: Libreria Editrice Goriziana, 2001), p. 148.

55. Francesco Mini, *Guerra senza limiti: il quarto libro*, introduction by Quiao Liang, Wang Xiangsui, *Guerra senza limiti*, *op. cit.*, p. 16.

56. Donald Rumsfeld, "Transforming the Military," in *Foreign Affairs* (May-June 2002), p. 29.

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elimination of the "tyrants" who foster it. As Hobbes saw the first English liberal-constitutional system fall under Cromwell's absolutism, so this document sees America "threatened," and with it the "rule of law," the "limits" of the power of the state, "freedom" and "international rights."

But there is another decisive element. In a June 2002 speech, President Bush said that in the near future "even weak states and small groups could attain a catastrophic power to strike great nations." Here, besides confirming the Chinese thesis of the "weaker" parties opting for a "preemptive attack," Bush turns out to be more Hobbesian than Hobbes, who wrote in *Leviathan*: "the weaker party always has enough strength to kill the stronger party, either through secret maneuvering or by allying himself with others." This is Bush's philosophy: "weak states" and the "embittered few," allied via "obscure networks of individuals," constitute the real threat to the "new world." Today's doctrine of "asymmetric war" is a post-modern realization of Hobbesianism, which leaves open the same old problem: how to restore politics after war.

In any case, the message is clear: the US is the new Leviathan, by virtue of its "unparalleled" economic and military power, which will free the world from "civil war." But in order for this to come about, it is essential that identification of the enemy and control of military forces be exempted from any institutional mechanism (the UN) and any internationally recognized right; with a particularly "significant impact from the juridical viewpoint, because it supersedes institutional methods in favor of a new, markedly unilateralist model."[57] The new American strategy hints at a paradoxical "distinctly American internationalism," i.e., a specifically nationally-based internationalism. Clearly, this is aimed not only at terrorists or "rogue states," but at the whole world. The US must remain the only planetary actor; any "military build-up in hopes of surpassing, or equaling, US power" will be thwarted.

John Locke wrote: "In the beginning all the world was America."[58] Today, President Bush says: at the end the world is America. At this point, however, the question is: in order to restore rights after the terrorist "civil war," is it necessary to resort to "preemptive war," to accept the logic of "civil war"? Is it not aporetic to want to overcome the "state of nature" by using the very same means used preemptively in the "state of nature," i.e.,

57. Enzo Cannizzaro, "Guerra Preventiva, Morte dell'ONU," in *L'Unità* (Feb. 11, 2003).

58. Locke's America was the happy land where money did not exist, where land was not fenced off, where men did not want "to extend their possessions." See John Locke, *Civil Government*, Ch. II, §48. Today, things are a little different. Prey to the tyranny of money, a de-Americanized America is pan-Americanizing the world.

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aggressions, offenses, sacrifice of civil populations? As Jean Baudrillard wrote, "the real victory of terrorism consists in having thrown the entire West into an obsession with security, i.e., into a veiled form of perpetual terror."[59] President Bush's "endless war" could condemn the West to perpetual terror. In this sense, it could risk a return to the "state of nature," i.e., to "a universal cold war, a fourth world war."

Kant had already postulated two fundamental rejections more than 200 years ago: neither "perpetual war" nor "universal monarchy," while today's new American doctrine advocates both perpetual war and universal monarchy. This combination must be criticized and rejected. Chinese military strategists stressed the uselessness of a purely military-repressive and quasi-terroristic strategy of reaction to an "asymmetric war": "Bin Laden-style terrorism has reinforced the possibility that a national force, irrespective of how powerful it is, will have difficulty prevailing in a game without rules. Even if a country transforms itself into a terroristic agency, *as the Americans are currently doing*, it will not necessarily succeed."[60] In other words, against an elusive enemy such as terrorism, "using a club to hit an ant" is often ineffective, as well as immoral. The problem of a non-imperialist global governance is inescapable.

In the 21st century, a radical alternative to global terrorism cannot be "bombing for democracy." Just because the war in the "post-modern and post-industrial era" has "reverted to encroaching upon society in more complex, extended, insidious and subtle ways"[61] (militarily, economically, financially, technologically, propagandistically, etc.), an alternative can only be brought about through the restoration of politics after total war. This will not be achieved by generalizing ways of systemic confrontation, which the end of the Cold War, when the enemy was the "reasonable" Soviet Union,[62] has made not less, but even more dangerous.

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59. Jean Baudrillard, *Power Inferno* (2002) (Milan: Raffaello Cortina Editore, 2003), p. 51.

60. Quiao Liang, Wang Xiangsui, *Guerra senza limiti*, *op. cit.*, p. 83. Here, the authors had in mind not only the bombing of the Chinese embassy in Belgrade during the Kosovo war, but also of the alleged factories of chemical products in Sudan.

61. *Ibid.*, p. 39.

62. The Bush document emphasizes that the Soviet Union was a totalitarian state, but one which accepted "deterrence." It was a "generally *status quo*, risk-averse adversary," whereas today's "rogue states" are "gambling with the lives of their people, and the wealth of their nations," thus making "deterrence" obsolete and posing new choices which, according to the document, will turn the clock back to the "state of nature."

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Foucault and Addiction

Peter Ferentzy

Foucault's emphasis on sexuality can be partly attributed to geography. Though prominent throughout the West in the 19th century, concern with sex was felt more keenly in France than in other major industrialized nations. Unlike Britain and America, which were protected by water, France was a continental power confronted by an emerging German state said to be reproducing far more quickly: after the Franco-Prussian war, it was even feared that Germany would soon be able to put two soldiers on the field for each Frenchman.[1] While issues such as criminality and drunkenness received their due,[2] France's approach to the psy-sciences, upon which Foucault drew heavily, was weighted in favor of sex, reproduction and heredity. Had Foucault been based in the US, his project might have evolved differently. The point is not that Foucault was mistaken in targeting sexuality. Concerned with his own present (in the 1960s and 1970s sexual politics was a major issue), he had excellent reasons to explore this subject. Still, the American experience has been different from the French, and there has been a greater emphasis on addiction. Thus, in the early 20th century, it was the US that led the global drive to ban narcotics.[3] From

1. See Robert A. Nye, "The Medical Origins of Sexual Fetishism," in Emily Apter and William Pietz, *Fetishism as Cultural Discourse* (Ithaca: Cornell University Press, 1993), pp. 13-30; Andrew Scull, *The Most Solitary of Afflictions: Madness and Society in Britain, 1700-1900* (New Haven: Yale University Press, 1993).

2. See Ian Dowbiggin, "Degeneration and Hereditarianism in French Mental Medicine 1840-90: Psychiatric Theory as Ideological Adaptation," in W. F. Bynum, Roy Porter and Michael Shepherd, eds. *The Anatomy of Madness: Essays in the History of Psychiatry,* Vol. I: *People and Ideas* (London: Tavistock, 1985), pp. 188-232.

3. See David F. Musto, *The American Disease: Origins of Narcotic Control* (New Haven: Yale University Press, 1973).

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19th century Temperance to Prohibition and the ongoing "wars" on illicit drugs since the early 20th century, and the current preoccupation with a host of new "addictions," America has been greatly concerned with substance abuse and dependency.[4] With a population fuelled by immigration, issues pertaining to heredity took different (though not always benign) forms. A stronger middle-class ethos, wild frontiers, and fear of races considered to be primitive or even animal-like (such as blacks and natives) all made for greater concern with self-control, autonomy, and freedom. From the late 18th century to the present, "addiction"[5] (whether applied to drunkenness, heroin, crack, gambling, or co-dependency) has arguably been the single most important object of psy-scientific attention throughout the US. If nothing else, addiction is definitely the most significant regarding the extent that any such issue has been able to connect with popular concerns; even "wars" on crime have been overshadowed by accompanying struggles against alcohol and other drugs.[6]

4. Some Nordic countries could rival the US on this score. Sweden takes addictions seriously. Britain also had its "gin epidemic," and drugs remain a serious concern to this day. During the 19th century, France was very concerned about alcohol's hereditary impact. Yet, only in the US could a movement such as Temperance lay claim to having been the most influential and enduring single-issue mass movement in history. In the 19th century, Temperance played such a dominant role that at times it seemed to define the political landscape. See Harry Levine, "The Discovery of Addiction: Changing Conceptions of Habitual Drunkenness in America," in *Journal of Studies on Alcohol*, Vol. 39, No. 1 (1978), pp. 143-174; J. A. Krout, *The Origins of Prohibition* (New York: Knopf, 1925); J. W. Rorabaugh, *The Alcoholic Republic: An American Tradition, 1790-1840* (New York: Oxford University Press, 1979). During the 1980s and 1990s, the "war on drugs" became the US' most significant domestic issue. In the early 20th century, drugs and addiction played important roles involving issues ranging from imperialism to domestic race relations. See David T. Courtwright, *Dark Paradise: Opiate Addiction in America before 1940* (Cambridge: Cambridge University Press, 1982); and Musto, *The American Disease*, *op. cit.*

5. With respect to the main conceptual framework, there has been a remarkable continuity from the late-18th century on, beginning with an alcoholic "palsy of the will," through monomania, inebriety, alcoholism, addiction, and finally "dependence." See Mariana Valverde, *Diseases of the Will: Alcohol and the Dilemmas of Freedom* (Cambridge: Cambridge University Press, 1998), pp. 4-9.

6. This applies to most of the 19th century, when the struggle against crime was subsumed under the struggle against alcohol (most crimes were said to be caused by drunkenness). It remained true during the early 20th century with the war on newly illicit substances such as heroin and, of course, alcohol. By the 1940s, crime had become somewhat "autonomous" from substance abuse. But in the 1980s, the Reagan administration put crime back in its place with a war on illicit drugs, notably crack, which were said to cause most social ills. In the 1960s and 1970s, the counter-culture invoked equally intense fears concerning both sex and drugs. By the 1980s, substance addiction again was a more serious popular concern than sex, as was the case in the 19th and early 20th centuries.

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Addiction: The Birth of a Concept

The modern concept of addiction emerged around the late 18th century. By the mid-19th century it became integral to Temperance thought.[7] Alcohol dependency provided the model that later was applied to other substance addictions.[8] Dr. Benjamin Rush, hailed as the architect of medicalized drunkenness, was also considered the father of the Temperance movement.[9] Drinking was said to be *progressive* (meaning that drinking bouts were bound to become more frequent and intense) and compulsive, with abstinence as the only solution. The main symptom was loss of control over drinking. Before that, the dominant assumption was that drunkards simply wanted to get drunk. Only at the end of the 18th century did Americans in large numbers begin to speak of irresistible urges to drink.[10]

7. See Levine, "The Discovery of Addiction," *op. cit.*; National Temperance Society (NTS) (1881) *Temperance Tracts* (New York: N. T. S.).

8. The term "inebriate" first applied to drunkards, and it took some effort on the part of medical and moral activists to convince the public that the term could also apply to opiate users. In *Opium and the People: Opiate Use and Drug Control Policy in Nineteenth and Early Twentieth Century England* (London: Free Association Books, 1999), p. 154, Virginia Berridge discusses how in late 19th century England the "disease view of alcoholism" entailed a process involving "narcotic addiction." Valverde [*Diseases of the Will, op. cit.*] points out that current notions of "addiction" involve a combination of the original alcohol addiction model and the later "drug addict identity." See also Courtwright, *Dark Paradise, op. cit*; Peter Ferentzy, *The Addiction Concept: How the Language of Sin Was Replaced by That of Disease* (Toronto: Dissertation, York University, 2000). In discussing the addiction scare in the late 19th century, Musto [*The American Disease, op. cit.*, p. 75] mentions that opiate addiction — "a vice-disease easily acquired, progressively damaging and difficult to cure" — had two precedents in the public mind: drunkenness and syphilis. In early writings on opiate dependency, analogies with alcoholism were frequent. In his 1872 study, "An Opium Cure: Based upon Science, Skill and Matured Experience," [in Gerlad Grob, ed., *American Perceptions of Drug Addiction: Five Studies, 1872-1912* (New York: Arno Press, 1981), p. 31], James H. Brown mentions this analogy only to dispel it, arguing that while alcohol dependency is bad, opium addiction is so much worse that comparisons are inappropriate. In the 1870s, Edward Levenstein wrote on morphine addiction and discussed withdrawal symptoms by comparison to alcohol withdrawal symptoms (*delirium tremens*), not by reference to opium withdrawal, which was already known and obviously more similar. See his *Morbid Craving for Morphia* (New York: Arno Press, 1981).

9. See Benjamin Rush, *An Inquiry into the Effects of Spirituous Liquors on the Human Body* (Boston: Thomas and Andrews, 1790). In England, Thomas Trotter put forward similar ideas at roughly the same time. See his *An Essay, Medical, Philosophical, and Chemical, on Drunkenness* (New York: Arno Press, 1813, first Philadelphia ed.). His stature in Britain as an expert on chronic drunkenness was comparable to that of Rush in America.

10. Levine, "The Discovery of Addiction," *op. cit.*, p. 144. McCormick has documented the ascension of "gamma" alcoholics (persons who drink uncontrollably after just one drink) in 19th century English novels. See Mairi McCormick, "First Representations of the Gamma Alcoholic in the English Novel," in *Quarterly Journal for the Study of Alcoholism* (1969), Vol. 30, No. 4, pp. 957-980.

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The "drunkard" was being reconstructed at a phenomenal rate.[11] By the early 19th century, Temperance had captured the current notion of alcoholism, but for one important difference: since alcohol was thought to be innately addictive, the substance was seen as the cause of addiction. Only after Prohibition did the current concept, originally popularized by Alcoholics Anonymous and the Yale Center of Alcohol Studies during the 1930s and 1940s, become prominent: a minority of individuals with a (mysterious) alcoholic predisposition were at risk; since then, the cause of alcoholism has been located in individual minds or bodies or both.[12] Curiously, opiates, still said to be addictive to anyone who uses them, were first understood as such by reference to a concept of addiction pertaining to alcohol which has since fallen into disrepute.[13]

Earlier, embryonic notions of alcohol addiction were put forward by the clergy in the 17th and 18th centuries.[14] This is not surprising for three reasons: first, clergymen were concerned with the implications of sin when few vices were politicized and none were medicalized; second, sin had traditionally been perceived as progressive (thus casual adulterers were said to become the vilest of fornicators over time); third, issues pertaining to free will and the difficulties associated with resisting temptation had long

11. Thus, according to Samuel Woodward, "The standing of the moderate drinker at this day, in relation to intemperance, is quite different from what it was ten years ago, when the community were not enlightened on the subject," from Samuel B. Woodward, *Essays on Asylums for Inebriates* (Massachusetts: Worcester, 1838). Krout has shown how perceptions were changing quickly in the early 19th century when some of the first Temperance organizations were formed in different regions at roughly the same time, without any awareness of each other's existence. See Krout, *The Origins of Prohibition*, *op. cit.*

12. Jellinek was the Yale Center's most prominent proponent. See E. M. Jellinek, *The Disease Concept of Alcoholism* (New Haven: Hillhouse, 1960).

13. See Dolores Peters, "British Medical Response to Opiate Addiction in the Nineteenth Century," in *Journal of the History of Medicine* (1981), Vol. 36, No. 4, pp. 455-488. Here, the word "addiction" is used in its modern sense. Yet, well before "addiction" had been identified, the word had a similar, though not identical meaning. See Jessica Warner, "Resolv'd to Drink no More: Addiction as a Preindustrial Construct," in *Journal of Studies on Alcohol* (1994) Vol. 55, No. 6, pp. 685-691. Addicted could simply mean being inclined to certain activities. Often the term inkoved "habit", either with or without pejorative connotations. While the usage of this word may be considered presentist or anachronistic, this is only partially true. Thus, Thomas Crothers, probably America's most influential author on inebriety, speaks of opium dependency as "opium addiction." See his *The Disease of Inebriety From Alcohol, Opium and Other Narcotic Drugs* (New York: E. B. Treat, 1893; reprinted by Arno Press in New York in 1981), p. 326.

14. See Peter Ferentzy, "From Sin to Disease: Differences and Similarities between Past and Current Conceptions of Chronic Drunkenness," in *Contemporary Drug Problems*, Vol. 28, No. 3 (2001), pp. 363-390; Levine, "Discovery of Addiction," *op. cit.*; Warner, "Resolv'd to Drink no More," *op. cit.*

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been the domain of religion. Yet, the pre-addiction understanding differed in important respects.[15] Whereas past descriptions of a chronic drunkard's behavior could be similar or even identical to current accounts, the inner dimensions of the soul were not understood in the same way. Thus, in the past, drunkards were said to *love* wine. Today's alcoholic might be thought to hate the substance, and nonetheless consume it. The significance of this distinction rests, first, in the Enlightenment-born distinction between will and desire, and second, in the potential for a self divided against itself that this distinction can entail. All forms of modern psychologism rest on such possibilities, for there is a huge difference between struggling with oneself (as many do today) and struggling with externals such as Satan or his minions (as people had done for many centuries).

A sharp distinction between will and desire was a bourgeois innovation, which made possible not only a host of normative precepts concerning strict self-control, but also a more complex view of what eventually came to be called the "psyche." For the first time it was possible, without embarrassment and with little qualification, to speak of someone both wanting and not wanting to do something. One need not mystify the shift: in times past, being trapped by Satan's wiles could help explain many "compulsions." Yet, such discussions were invariably awkward and inconsistent.[16] In sermons on drunkenness, compulsion would be alluded to sporadically or simply ignored and, above all, the dilemmas could not be reduced to conflicts *inside* a human being. A 17th century priest may have had little trouble identifying a drunkard, but constant drunkenness is not, as such, evidence of *addiction*. The only acceptable evidence is experiential. Today's alcoholics can be identified only if they testify to having "lost control," meaning that drinking has been involuntary.

The Enlightenment initiated an optimistic belief in human rationality, free will, and, by implication, the curability of everything from madness

15. Both Valverde and Sedgwick have discussed issues pertaining to the will as purportedly diseased, and how the notion of free will seems to entail the counter-notion of compulsion. See Valverde, *Diseases Of The Will, op. cit.*; and Eve Kosovsky Sedgwick, "Epidemics of the Will," in *Tendencies* (Durham, NC: Duke University Press, 1993).

16. See Owen Stockton, *A Warning to Drunkards, Delivered in Several Sermons to a Congregation in Colchester upon the Occasion of a Sad Providence toward a Young Man, Dying in the Act of Drunkenness* (London: J. R., 1682). See also John Downame (1682), *Foure Treatises Tending to Diswade all Christians from Foure no Less Hainous then Common Sinnes; Namely, the Abuses of Swearing, Drunkennesse, Whoredome, and Briberie* (London: Imprinted by Felix Kyngston, for William Welby). Downame discusses four sins, including drunkenness. Each sin follows a similar pattern: it gets worse. This concept of sin facilitated the ascendancy of the later notion of progressive psycho-behavioral diseases.

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to homosexuality. Gone was the passive acceptance of man as a sinner, and of a world doomed to be plagued by evil.[17] All persons should be able to control themselves, and doctors looked for behaviors the will could not control. As is well known, this applied to the insane, who were expected to control themselves in asylums: instead of chains, they were to be cured through "moral therapy." Self-control was the primary solution to insanity, because the essence of madness had become a loss of control.[18] Like addicts today, madmen were not considered responsible for their afflictions, but were held responsible for their recovery. Deviancy was reformulated as a deficiency of the will, predominantly along middle class lines and subject to anxiety regarding self-control. Addiction, first to alcohol and then to other drugs, was ominous.

Addiction: The Concept

As a concept, addiction focuses on apparently inexplicable behaviors.[19] People continuing to hurt themselves, regardless of overwhelming evidence (which they seem to understand perfectly), suggests something mysterious, unknown. The criterion for a diagnosis of addiction is *loss of control.* For this reason, addiction requires negative predication. Loss, impairment, or deficiency of control entails some kind of absence, which in turn entails a fundamental mystery. Since addiction is still seen as a disease (even if other words are used), the answers are sought in biology. Increasing physical tolerance for a substance and withdrawal symptoms are the best biological indicators. Though useful, these explanations are unsatisfactory. High tolerance for alcohol is not proof of addiction, and substance abuse will often recur long after withdrawal symptoms have subsided. Furthermore, ongoing self-destructive substance abuse is not enough. As previously pointed out, chronic drunkenness could be considered problematic without proving that the subject drinks because of an inability to refrain. These empirical considerations are not enough.[20] So *craving,* the insatiable desire for a substance, becomes the final and most

17. See David J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (London: Little, Brown and Company, 1990).

18. See Michel Foucault, *Madness and Civilization: A History of Madness in the Age of Reason* (New York: Vintage, 1973), pp. 245-246; Levine, "Discovery of Addiction," *op. cit.*, pp. 151-163.

19. The newer construct of "dependence" has not substantially altered the concept. See Valverde, *Diseases of the Will, op. cit.*, p. 9.

20. Robin Room, "The Cultural Framing of Addiction." Available at http://www.bks.no/room.htm.

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important measure. Without such craving, other symptoms are not enough; yet strong craving (in the absence of tolerance, withdrawal, or even harmful patterns) can indicate an addictive disorder.[21] Essentially, craving is modernity's substitute for spirits, demons, or other mystical constructs. It simply gives the mystery a name. "As a concept, craving appears to offer an explanation of loss of control over drinking or drug use." But it begs the question. "It is descriptive of what many heavy drinkers or drug users report experientially, but it does not provide any explanation. . . ." The mystery remains. "The concept of craving simply pushes it one step further back, offering an apparently empirical and secular identification and firmly locating the source of addiction in the mind of the drinker or drug user."[22]

The disease concept of addiction can be said to comprise five tenets: 1. Addiction is hereditary, i.e., addicts are born with at least a greater potential than others for developing such problems; 2. Addiction is a primary affliction, i.e, it is largely a cause, rather than an effect of other problems;[23] 3. Addiction is progressive, i.e., it will get worse and can be arrested only by complete abstinence from the substance in question; 4. Addiction is chronic, i.e., even after years of abstinence, a small dose is likely to rekindle the process; 5. Addiction involves a loss of control, i.e., addicts are unable to stop the practice (even if they do not enjoy it).[24]

A "disease of the will" is perhaps less extravagant than it appears. Self-determination (will-power) is central to Western ideas about disease. By definition, diseases are involuntary: any adverse, even lethal physical state that could be altered through choice (such as suffocation or starvation) is

21. The focus here is on addiction and dependence as perceived in the US. In Europe, there is less emphasis on an addict's experiences and feelings (Valverde, *Diseases of the Will, op. cit.*, p. 27). Still, Alcoholics Anonymous and its model do operate in Europe, at both lay and professionals levels.

22. Room sees a conceptual duplication, which is somewhat similar to Foucault's thoughts on similar topics. See Room, *The Cultural Framing of Addiction*, *op. cit.*, p. 10.

23. Even where such problems are acknowledged as chronologically causal, once it has set in, addiction is thought to run its course independently of other issues. See Daniel K. Flavin and Robert M. Morse, "What is Alcoholism? Current Definitions and Diagnostic Criteria and their Implications for Treatment," in *Alcohol Health & Research World*, Vol. 15, No. 4 (1991), pp. 266-271.

24. There are other ways of looking at addiction. Thus, whether controlled use is possible for addicts is the subject of debate. Yet, the disease model dominates treatment options along with popular and self-help discussions. Critics of this model do not deny this, but question its supremacy as something to be changed. See H. Fingarette, *Heavy Drinking: The Myth of Alcoholism as a Disease* (Berkely: University of California Press, 1988); Stanton Peele, *Diseasing of America: Addiction Treatment Out of Control* (Boston: Houghton Mifflin, 1989); Jeffrey, A. chaler, *Addiction is a Choice* (Chicago, Open Court, 2000).

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not a "disease;" only its *unchosen* effects can be seen as diseases. All psycho-behavioral ailments involve "loss of control" over thoughts or behaviors and, however tautological it may be, this is precisely why the language of addiction has been able since the 1980s to reformulate — and appropriate — a host of ailments with labels such as "sexual addiction" (in some circles, neurosis is referred to as "emotional addiction").[25] By directly focussing on volitional impairment, the concept of addiction can render details irrelevant, for better or worse providing a model that in principle could address any behavioral or emotional dilemma.[26] Self-control, willpower or, more accurately, lack of it, functions as an absolute limit. The themes of progression and chronicity ensure this: addictions such as alcoholism are said to be lifelong, rendering it impossible to cut back (for more than a short while) or to resume less excessive consumption patterns even after twenty or more years of abstinence. Addiction draws a line inside the soul, which, allegedly, can never be crossed: addicts can be abstinent, they can "recover" and lead meaningful lives, but they never become ex-addicts.

Chronicity in the absence of symptoms points to a world of hidden, inner determinants: consistent with modern innovations such as the germ theory of disease; less consistent with 18th century medicine, where nosology (the classification of diseases) was controversial and a holistic notion of medicine made it difficult (though not impossible) to perceive any disease as "primary."[27] Schizophrenia is an example of modern ailments akin to addiction. It too is considered primary, progressive, and chronic. Even after years of asymptomatic living, this mental affliction is said to be dormant and not cured, so there is always a presumed possibility for relapse.[28]

The newer perception has not been limited to diseases, mental or

25. Emotions Anonymous is a mutual aid society based on AA principles. It uses the addiction/disease model to combat a wide range of psycho-emotional dilemmas.

26. Nikolas Rose has discussed the way "freedom" and "self-mastery" are principles that unify many divergent psychological therapies and approaches. See Nikolas Rose, *Inventing Our Selves: Psychology, Power, and Personhood* (New York: Cambridge University Press, 1996), pp. 9-10 and 155-158.

27. See Charles Rosenberg, "The Therapeutic Revolution: Medicine, Meaning and Social Change in the Nineteenth Century," in V. Vogel and Charles Rosenberg, eds., *The Therapeutic Revolution: Essays in the Social History of American Medicine* (Philadelphia: University of Pennsylvania Press, 1996), pp. 3-25; Julian Martin, "Sauvage's Nosology: Medical Enlightenment in Montpetillier," in Andrew Cunningham and Roger French, eds., *The Medical Enlightenment of the Eighteenth Century* (New York: Cambridge University Press, 1990), pp. 111-137.

28. See Peter Barham, *Schizophrenia and Human Value* (New York: Basil Blackwell, 1984).

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physical. Foucault points out how, since the late 18th century, in areas ranging from language to social justice, development has routinely been understood with reference to linear progression, often involving internal teleological determinants. Invisible forces, such as Adam Smith's "invisible hand," Marx's labor power, and Freud's unconscious, marked a new era in Western thought. With respect to diseases, 18th century doctors were less inclined to perceive an ailment as having a predetermined course impervious to environmental and other factors.[29] Something like today's disease progression had largely been the domain of sin, religion, morality. So, what happens when science makes a concerted attempt at taking over spiritual, moral, and metaphysical territory?

Foucault, Episteme, Sexuality and Addiction

Of concern here are two themes in Foucault's work: First, modernity (said to begin in the late 18th century) initiated an excavation of the human soul, often haunted by a confusion between empirical and theoretical (even transcendental) considerations. In discussing "man and his doubles," Foucault points to an epistemic schema that has dominated much of Western thought since its inception.[30] The tensions between empirical and transcendental reflection, or those between Descartes' transparent *cogito* and the remaining "unthought" aspects of the self and cognition which confront it, entail specific modes of perception and accompanying paradoxes. This applies to the concept of addiction, where the empirical — tolerance, withdrawal, drug abuse — is dependent on, yet is incommensurate with, the concept of "craving." Foucault was interested in how modernity deals with its cognitive limits. The concept of craving represents one limit, and comes a step closer to the concept of alcoholism as a "primary disease," and thus to Foucault's identity-based (as opposed to act-based) concept of deviancy.

Second, aspects of Foucault's critique of the repressive hypothesis as expounded by psychoanalysis can be applied to current approaches to alcoholism. Like neurotics who allegedly hide from themselves the fears and desires underpinning their condition, which is often called "resistance," alcoholics are said to deny that they are such, and to insist that they could stop drinking anytime. "Denial" is thought to haunt other addictions as well. It has long been claimed that certain unseen identities are hidden from the subjects (neurotics and addicts), whose statements are necessary

29. Rosenberg, "The Therapeutic Revolution," *op cit.*

30. Michel Foucault, *The Order of Things: An Archeology of the Human Sciences* (New York: Vintage, 1973).

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for solid vindication of a diagnosis. This point is related to a more directly political and historical concern involving the overall "repressive" attitudes of 19th and 20th century proponents of these concepts of deviancy.

The concept of addiction focuses on some of the most mysterious behaviors and desires. Foucault discusses how modern reflection often oscillates between extremes of "positivism" and allegedly deep reflections such as hermeneutics.[31] Whereas Plato could refer to *light* or "higher truth" when addressing similar tensions, such resolutions became less acceptable after the 18th century. Reflection assumed a double role with respect to a host of dilemmas. The realization that the empirical is incommensurate with theoretical postulates it nonetheless relies on is a difficulty that Foucault was not the first to identify as typical of modernity. Similar questions have been posed by. e.g., Georg Lukács and Theodor W. Adorno.[32] Lukács described the "antinomies of bourgeois thought," and pointed to a host of paradoxes, such as form/content and quality/quantity, which, though not entirely "new," have become stark, uncompromising, and even ominous since Kant and the Enlightenment. Adorno tackles dialectical opposites by claiming that the tensions are insurmountable conceptually, and that a "passive moment" is the necessary remedy. This passive moment — meditative, nonconceptual, and arguably intuitive — could be seen as an experiential and aesthetic solution to the problems posed by cold rationality, or simply as a capitulation. Either way, an element of mystery remains. Martin Heidegger, who set the tone for so many others, opts to renounce dialectics. Yet, when confronted by a similar quandary — a tension between Being (an ontological domain which also encompasses the conceptual realm) and beings (things one encounters in the world) — he targets the "ontological difference," i.e., the difference between Being and beings, as the means to identify the remainder: aspects of experience seemingly incommensurate with one's concepts and representations.[33] No matter how sophisticated one becomes, one is left with a purely experiential journey.

31. *Ibid.*, pp. 303-340.

32. See Georg Lukács, "Reification and the Consciousness of the Proletariat" in Georg Lukács, *History and Class Consciousness* (Cambridge, MA: The MIT Press, 1971), pp. 83-222; Theodor W. Adorno, *Negative Dialectics* (New York: Seabury Press, 1973).

33. See Martin Heidegger, *Nietzsche: Volumes Three and Four* (San Francisco: Harper & Row, 1987). For a discussion of how this relates to Foucault's work, see Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: The University of Chicago Press, 1983); and John Rajchman, *Michel Foucault: the Freedom of Philosophy* (New York: Columbia University Press, 1985).

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"In modern reflection, the analysis of experience has challenged "both positivism and eschatology, [it] has tried to restore the forgotten dimension of the transcendental . . . [and] has attempted to exorcise" a view of truth reduced entirely to the empirical. This analysis, however, "is directed at a specific yet ambiguous substratum."[34] Foucault points to Maurice Merleau-Ponty's *analytic of experience*, which sought to circumvent modern dilemmas by looking for solid grounding through direct appeals to experience. There is always something "underneath" every experience, so one must dig deeper and deeper. In short, Foucault sees this as an unending journey, entailing a futile infinite regress. Reconciliation with the empirical is impossible, and one must "jump" from one mode of inquiry to the other, without ever settling the disparity. In a context far removed from Foucault's milieu, Room focuses on the concept of craving as an alleged explaination of addiction. Such an effort does not settle the question, but simply "pushes it one step further back, offering an apparently empirical and secular" explanation which is not empirical and not necessarily more secular than any religious experience.[35] Room's discussion of addiction does not exactly parallel Foucault's inquiry, but it does follow a commensurate path. Whether the target is addiction, the Unthought, or even the quest for historiographical grounding, the endeavors share a similar fate: ". . . the origin of things is always pushed further back, since it goes back to a calendar upon which man does not figure."[36]

Foucault's critique of the "human sciences" can be understood as a critique of reflection trying to ground itself within itself, its chief characteristic being "purely formal," always entailing conceptual "duplications" which could, at whim, be applied to the endeavors themselves: "the psychology of psychology, the sociology of sociology, etc."[37] Aside from this, and central to its relation to addiction, the human-scientific endeavor has increasingly developed as an understanding of particular issues — from psychology to the evolution of language — as subject to their own "internal

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34. Foucault, *The Order of Things*, *op. cit.*, p. 321.
35. Room, *The Cultural Framing of Addiction*, *op. cit.*, p. 10.
36. Foucault, *The Order of Things*, *op. cit.*, p. 33.
37. *Ibid.*, pp. 354-355. This does not apply to physical sciences. Hence there can be no "chemistry of chemistry," or "physics of physics." Yet, one could speak of those addicted to addiction therapy, or even to addiction studies. No matter how absurd it may seem, treatises about these addictions could be criticized in terms of the addictive patterns of those pursuing this inquiry. The point here is that Foucault's account of the "human sciences" focuses on Man attempting to study Man: a self-referential endeavor. However necessary these endeavors may be, they entail logical difficulties and potentially absurd scenarios.

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laws."[38] For Foucault, these "inner" workings are inherently mysterious, and he sees psychoanalysis as the paradigmatic human science.

By definition, the *unconscious* is the Unknown: "an existence at once real and impossible" — an object of knowledge that "always eludes it."[39] Yet, the unknowable essence of addiction comes across more glaringly than a mysterious notion like the unconscious. The latter, at least, is always understood as possessing some structure, however ethereal. As pure "loss of control," however, addiction is an enigma. If one were to speak of a psy-construct targeting mystery most directly, addiction would qualify. The latter is true regardless of how simplistic the concept may appear.

In dealing with addiction and mental illness, it is necessary to overcome the subject's resistance. The target is invariably repression, either of knowledge or desire. Such "anti-repressive" endeavors have triggered critiques of purportedly repressive 19th century attitudes. Theoretical questions concerning repression are linked to historical and political questions concerning the origins of 19th century preoccupations with drunkenness and sexuality. Foucault went a long way in reversing the traditional view that the initial bourgeois focus on sex was repressive, and to this day, those who target addictions perceive their goal to be emancipatory rather than repressive. This was true two hundred years ago. Thus, many Temperance advocates saw their task as involving the releasing of aspects of the self that were suppressed by drunkenness.[40] Whether or not these developments are oppressive, a constructivist tack is necessary, if only to provide a balanced perspective, rather than dismissing the repressive/denial models altogether. When dealing with issues such as hidden sexual desires, addiction or repressed memories, these "inner" determinants could be seen either as repressed or as produced in the subject's own mind. The target is obscure: the soul's inner dimensions. Alcoholic denial — associated with claims about "the unconscious process of drunkard making" — was well developed by 19th century Temperance, which also had a grasp of what today is called "co-dependency."[41] This alcoholic denial was likely a precursor of the psychological notion of "repression" and not, as commonly believed, a derivative.

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38. *Ibid.*, p. 368.
39. *Ibid.*, p. 374: "In setting itself the task of making the discourse of the unconscious speak through consciousness, psychoanalysis is advancing in the direction of that fundamental region . . . towards what is there and yet hidden."
40. National Temperance Society, *op cit.*, Tracts 60, 89, 99.
41. *Ibid.*, Tr. 19, 57.

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For the histories of sexuality as well as addiction, latency is crucial, since it allows observers to bypass the empirical. Whether the focus is latent homosexuality or the potential of an addict for relapse, what is involved are hidden determinants, knowledge of which, according to sex therapists as well as advocates of sobriety, can be suppressed and must therefore be brought into the open, i.e., "liberated."[42]

Sexuality and Addiction: Historical and Conceptual Affinities

Sedgwick has shown how the word "addict" could replace "homosexual" in Foucault's discussion of sexuality. This is applicable to the deviant as a "species," rather than a temporary aberration, and the "condition" is seen as responsible for any unrelated misbehaviors. Sedgwick also points to another affinity: in either case, the identity is structured in such a way that, ultimately, it is bound to reveal itself.[43] As well, the two concepts involve a similar logic. "First, the notion of "sex" made it possible to associate "anatomical elements, biological functions, conducts, sensations, and pleasures," and to use this fiction "as a causal principle, an omnipresent meaning, a secret to be discussed everywhere."[44] The *inner* unity of "sex" was first identified according to how certain behaviors, desires and attitudes are perceived. So, "sex" had to be a solid determinant. Why should these behaviors, desires and attitudes be treated under one heading? Because of the principle on which they are said to be based. As a concept, addiction involves the same circular reasoning. For reasons already discussed, it is not possible to identify addiction simply as behavior, because behavior can never prove the existence of addiction. Yet, addiction cannot be seen merely as an underlying disease with no connection to behavior. Is addiction a behavior or a disease? The best

42. While early and mid-20th century proponents of the current addiction model often used psychoanalysis to vindicate the concept of alcoholic denial, they were partly responsible for the suppression of its history. In a post-Prohibition setting, proponents of the new disease model wished to distance themselves from 19th century Temperance, and claimed falsely that Temperance was purely moralistic and had no notion of alcoholism as a disease. See Jellinek, *The Disease Concept of Alcoholism*, *op. cit.* This has been refuted by Levine, "The Discovery of Addiction" *op. cit.* The origins of the disease model of alcoholism were mostly forgotten for almost 50 years, and the concept of "denial" was falsely attributed to psychoanalytic influence. Even social historians, such as Gusfield, were often misled about Temperance and the disease model. See Joseph Gusfield, *The Symbolic Crusade: Status Politics and the American Temperance Movement* (Urbana: University of Illinois Press, 1986).

43. Sedgwick, "Epidemics of the Will", *op. cit.*;

44. Michel Foucault, *The History of Sexuality*, Vol. 1: *An Introduction* (New York: Vintage, 1978)., p. 154.

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answer is that addiction is both symptom and disease. Hence addiction is both cause and effect, form and content or, as Foucault puts it with respect to sexuality: at once "signifier" and "signified."[45]

The pertinence of this dilemma, which often haunts reflections concerning the soul, becomes clearer when related to the fact that a purely biological affliction such as chicken pox does not entail any confusion between the disease and its symptoms.[46] Foucault sought to understand a journey into the soul that targeted everything from sex and addiction to delinquency and insanity — a journey that began somewhere in the late 18th century and developed during the next two centuries. He considered issues surrounding sexuality as the clearest examples. Yet, within the sexual inquiry itself, the best examples in Foucault's own opinion are the ones where the parallel with addiction is most stark. Sex was "manifested more clearly than anywhere else" when it took the form of "the model perversion, in that 'fetishism' which, from at least as early as 1877, served as the guiding thread for analyzing all the other deviations. In it one could clearly perceive the way in which the instinct became fastened to an object."[47]

Not only was fetishism almost immediately associated with "addictive" patterns such as compulsive masturbation and nymphomania,[48] but the attachment to a single object comes closer to the substance abuse paradigm. In the absence of any sexual connotation, in early 20th century medical professionals at times referred to drug addiction as a "fetish."[49] One way to grasp addiction's place in this larger, psy-scientific schema is to view it as a naked rendition of "deviancy." It is pure compulsion and an obsessive attachment to an object. Furthermore, it is progressive: it must become ever more excessive, violating every prior limit. The drunkard and the junkie are said to indulge ever more frequently, more intensely, and more destructively. It is no accident that Foucault considered the Marquis de Sade such a key figure. Sade consistently took transgression to new extremes, and the process became an end in itself. "In Sade, sex is without any norm or intrinsic rule." It is only "subject to the unrestricted

45. *Ibid.*, p. 154.

46. This is one answer to a question raised by Rose: "What . . . distinguishes the 'constructions' in which psychology has participated from those which have been constitutive of other fields of scientific knowledge?" See Rose, *Inventing Our Selves*, *op. cit.*, p. 51.

47. Foucault, *The History of Sexuality*, *op. cit.*, p. 154.

48. See Nye, "The Medical Origins of Sexual Fetishism," *op. cit.*

49. See AMA Narcotic Committee (AMA) (1920) "Report of the Committee on the Narcotic Drug Situation in the United States," in *Journal of American Medical Association* 74, Vol. 74, No. 19, pp. 1324-1328.

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law of a power which itself knows no other law but its own."[50]

As it is well known, the first and most important step in the treatments of addiction is the overcoming of "denial." According to Foucault, what is essential in the sexual realm is the hesitation to speak *the truth*, and "the recognized necessity of overcoming this hesitation."[51] Since this "hesitation" can be applied to a public requiring education concerning an issue it would rather shun, or to a therapeutic setting where individual resistance must be circumvented, with the incitement to discourse the distinction between the political and the therapeutic should not be overemphasized. After all, the whole thing can be seen as individual deviants being politicized and society receiving therapy.

Either way, the process of excavating secrets is rigged. Foucault uses homosexuality as an example of a secret that, according to accepted wisdom, cannot remain secret indefinitely.[52] Eventually, all the quirks associated with homosexuality, along with the inner turmoil that goes with concealment, would be detected. The same applies to alcoholism, which becomes harder to conceal as the ailment progresses. Above all, it applies to latent tendencies hidden from the subjects, not merely to what they consciously try to hide. For Foucault, the most important aspect of *Scientia Sexualis* is its focus on what makes individuals ignorant of themselves, and that confessions are not about sin, but pathology. It is easy to be distracted by a drunkard's ethical "confessions" — it is standard practice for recovering alcoholics to discuss their past misdeeds.[53] In a setting where pathology has supplanted sin as the main target, this would be a mistake. The target of such confessions must be the disease, pathology, or abnormality considered to be the root cause of specific transgressions. Whether the subject is a homosexual, a drug addict, or a

50. Foucault, *The History of Sexuality, op. cit.*, p. 149.
51. *Ibid.*, p. 24.
52. *Ibid.*, p. 43.
53. *Ibid.*, pp. 43 and 66-70. The first step in the 12 Step recovery involves the admission that one is "powerless" over alcohol (or cocaine, etc.). See Alcoholics Anonymous World Services (AAWS), *Alcoholics Anonymous: The Story of How Many Thousands of Men and Women Have Recovered from Alcoholism* (New York: AA World Services Inc, 1976). The overcoming of "denial" is central in ongoing AA, or AA-based recovery. See P. Antze, "Role of Ideologies in Peer Psychotherapy Groups," in M.A. Lieberman and L.D. Borman, eds., *Self-Help Groups for Coping with Crisis: Origins, Members, Processes, and Impacts* (San Francisco: Jossey-Bass Publishers, 1979), pp. 272-304; P. Antze, "Symbolic Action in Alcoholics Anonymous," in Mary Douglas, ed., *Constructive Drinking: Perspectives on Drink From Anthropology* (Cambridge: Cambridge University Press, 1987), pp. 149-181.

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pedophile, confession is about admitting it, first to oneself and then to others. In therapy, subjects are usually motivated by a desire for liberation,[54] yet these considerations should not be limited to such settings.[55] Another feature of medicalized confession is that hierarchies need not be integral to the process. Despite appeals to medical and scientific authority, or even the presence of professionals, a standard "top to bottom" understanding of how this works has to be avoided.[56] Perhaps a higher authority must be "virtually present" in a subject's mind. Yet those who wield therapeutic and generally intrusive power need not see themselves as "powerful," let alone oppressive or responsible for the practices they perpetuate, and attitudes toward issues such as sex and crime tend to develop "organically" prior to incorporation by science.[57]

The anonymity of power has been an integral feature of American approaches to addiction treatment. Alcoholics Anonymous was the first, and remains the prototypical 12 Step mutual aid organization.[58] It is

54. Overcoming denial is central even when alcoholism has been acknowledged. Valverde (*Diseases of the Will*, *op. cit.*, p. 131) claims that the 5th step, where members admit the extent and nature of their misdeeds, is the closest AA ever gets to confessional practice, and argues that this is not really "confession," since there is no hierarchical authority: listeners have no power either to interpret or to forgive. Allegedly, this also applies to telling one's story in meetings. But confessing one's misdeeds is not the issue: if AA members claim to be "evil," after the meeting others may challenge them in order to have them *confess* that, in fact, they are not evil, but sick. This is the confession: an admission of being powerless over alcohol, of being sick. This article also makes a case for the irrelevance of hierarchies.

55. Rose, *Inventing Our Selves*, *op. cit.*, pp. 87-88.

56. Foucault, *The History of Sexuality*, *op. cit.*, p. 84. According to Foucault: "the confessional discourse cannot come from above . . . through the sovereign will of a master, but rather from below, as an obligatory act of speech which, under some imperious compulsion, breaks the bonds of discretion or forgetfulness." *Ibid.*, pp. 61- 62.

57. *Ibid.*, p. 95: "The logic is perfectly clear, the aims decipherable, and yet it is often the case that no one is there to have invented them, and few who can be said to have formulated them: an implicit characteristic of the great anonymous, almost unspoken strategies which co-ordinate the loquacious tactics whose 'inventors' or decision-makers are often without hypocrisy."

58. The 12 Step movement — the prototype for most approaches to addiction treatment in the US — offers near perfect examples of themes Foucault was onto even when writing his book on prisons. Concerning the Panopticon, Foucault says: "It is an important mechanism, for it automatizes and disindividualizes power. Power has its principle not so much in a person as in a certain concerted distribution of bodies, surfaces, lights, gazes. . . . There is a machinery that assures dissymmetry, disequilibrium, difference. Consequently, it does not matter who exercises power. Any individual, taken almost at random, can operate the machine. . . . The more numerous those anonymous and temporary observers are, the greater the risk for the inmate of being surprised and the greater his anxious awareness of being observed." See Michel Foucault, *Discipline and Punish: the Birth of the Prison* (New York: Vintage, 1979), p. 202.

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characterized by confessional practices based on peer approval and egalitarian organization: those who run particular meetings are often rotated.[59] It takes pride in anonymity.[60] Members do not share their last names, which allows principles and beliefs (above all the concept of alcoholism as a disease) to permeate individuals in a way that cannot be attributed to the efforts of a single agent or group wielding power.[61] The concept of addiction, which goes with an alcoholic identity to be internalized by members once they have confessed to being alcoholics, is promoted by subjects who need not be party to "hypocrisy."[62] Although the concept wields a host of socio-political effects that promote hierarchical structures, vindicate prohibitory statutes, and can even help to justify some strange and extreme developments, AA members can be sincere, democratic, and hold meetings that are open to the public. Despite claims by those who see alcoholism as a disease that this model is at odds with punitive prohibition, and without suggesting that by itself "addiction" can provide an exhaustive explanation for past and present drug wars,[63] the violent "war" on crack that began in the 1980s could not have been waged without the hard concept of addiction that has been sold to the public by honest AA members and those of other mutual aid societies, as well as many professionals who have accepted it.[64] Whether the effects of such processes are seen as totalitarian or just mildly repressive, the conditions that help to bring them about can be nurtured by egalitarian, democratic,

59. Voluntary organizations have been compared to prisons. Despite misgivings, Valverde argues that AA could be studied in terms of discipline and normalization. See *Diseases of the Will*, *op. cit.*, p. 137. While this comparison may be questioned, it remains useful.

60. Foucault develops the theme of anonymous power in *Discipline & Punish* as well as in *History of Sexuality*. Despite the absence of Panoptic architecture in AA, and the inability to observe alcoholics constantly, there are hardly any confessional operations which practice the principle of anonymity more perfectly.

61. Rose, however, discusses the way governing people by means of their freedom can still entail disciplinary functions. See Rose, *Inventing Ourselves*, *op. cit.*, pp. 98-107.

62. See P. Antze, "Role of Ideologies in Peer Psychotherapy Groups," *op. cit.*; P. Antze, "Symbolic Action in Alcoholics Anonymous," *op. cit.*

63. In *The American Disease*, *op. cit.*, Musto discusses an array of issues, ranging from race to imperialism, which fuelled late 19th and early 20th century concerns over opium and other drugs. He also makes it clear that, at the propaganda level, addiction (or "habituation") was key. That remains true to this day.

64. See Stanton Peele, Charles Buffe and Archie Brodsky, *Resisting 12-Step Coercion: How to Fight Forced Participation in AA, NA, or 12-Step Treatment* (Tucson: See Sharp Press, 2000); Craig Reinarman, Dan Waldorf, Sheigla Murphy, and Harry Levine, "The Contingent Call of the Pipe: Bingeing and Addiction Among Heavy Cocaine Smokers," in Craig Reinarman and Harry Gene Levine, eds., *Crack in America: Demon Drugs and Social Justice* (London: University of California Press, 2000), pp. 77-97.

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transparent and, above all, anonymous organizations.[65]

The history of both sexuality and addiction began with concerned citizens becoming interested in details previously regarded as irrelevant, distasteful, or both. At first, Temperance advocates had to apologize for exploring drunkenness in detail.[66] While it may not be surprising that new concerns should entail the problematization of issues hitherto considered unworthy of serious attention, discussion of these issues quickly led to a bifurcation. "Throughout the 19th century, sex seems to have been incorporated into two very distinct orders of knowledge: a biology of reproduction, which developed . . . according to a general scientific normativity; and a medicine of sex, conforming to different rules." With little exchange between the two, the role of biology with respect to the medicine of sex was limited to providing legitimacy to moral and political agendas, as well as traditional fears.

Disciplines such as psychoanalysis have been largely impervious to biological science. Similarly, from the 19th century to the present, American movements have also had little to do with science.[67] From the rooms

65. As Foucault warned, it is unwise simply to ask "who has the power in the order of sexuality (men, adults, parents, doctors) and who is deprived of it (women, adolescents, children, patients)," in a setting where one confesses one's pathologies to everyone — be it an authority figure, a loved one, oneself, or the general public. See Foucault, *The History of Sexuality, op. cit.*, pp. 59 and 99. In many ways, addictions provide examples that push Foucault's ideas further than he was able to do with his own subject matter. He claimed that anonymity was an important facet of modern power. Addiction studies provide examples of highly influential organizations that are happy to brag about it.

66. See Foucault, *The History of Sexuality, op. cit.*, p. 26.

67. See William L. White, *Slaying the Dragon: The History of Addiction Treatment and Recovery in America* (Bloomington: Chestnut Health Systems/Lighthouse Institute 1998). This has never stopped grassroots and paraprofessional proponents of the disease model from appealing to science for authority. Temperance literature welcomed testimony from doctors and researchers, so long as these testimonies vindicated their approach. In the mid-20th century, AA welcomed vindication from scholars such as Jellinek (*The Disease Concept of Alcoholism, op. cit.*). Yet, despite much professional and scientific opposition, professionals who oppose the view that alcoholism is a disease remain marginal. The mainstream is willing to appeal to scientific authority, but could easily do without it. AA's "allergy" theory of alcoholism still circulates widely despite its scientific obsolescence. This "democratic" situation is uniquely American, and due to anti-intellectual strains in the predominant culture. Back in mid-19th century, when most people considered chronic drunkenness incurable, the Washingtonian movement convinced the public otherwise. See Rorabaugh, *The Alcoholic Republic, op. cit.* This movement was made up of drunkards helping other drunkards, and was the earliest prototype for AA. On the whole, the Washingtonians were lower class, rambunctious, and cared little for the authority of scientists, doctors, or priests. This suspicious attitude toward all authority still dominates American addiction treatment procedures, where experiential wisdom is held in high esteem and intellectual knowledge is often sidelined.

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of 12 Step recovery to a host of treatment operations governed primarily by similar ideologies, addiction treatment and science have had a long history of mutual indifference. Yet, politically, there is a connection which consistently resurfaces: from the days of Temperance, when alcohol was blamed for almost every physical illness and social ailment, to more recently, when illicit drugs have played similar roles, "science" has often been on the side of leading political trends.[68]

In 19th century America, there was a general injunction for everyone to scrutinize their friends, neighbors, and co-workers — even themselves — for signs of intemperance or hidden urges to drink.[69] With less intensity, the same has happened in the US since the 1980s, primarily in connection with drugs. Foucault wrote about similar requirements for self-surveillance in the sexual realm.[70] His suggestion to get specific about what particular interest is being served in each situation is pertinent to the

68. See Musto, *The Americain Disease*, *op. cit.*, and Courtwright, *Dark Paradise*, *op. cit.* See also Loren Siegal, "The Pregnancy Police Fight the War on Drugs," in Reinarman and Levine, eds., *Crack in America*, *op. cit.*, pp. 249-259, for a scathing critique of the ways in which many health issues facing babies of crack-dependant mothers have been attributed solely or primarily to prenatal drug use. While cocaine use during pregnancy can harm a baby, poverty and homelessness are the major culprits responsible for the problems of "crack-babies." Compared to the impact of homelessness, malnutrition and lack of medical care, the effects of cocaine are small. Science has contributed to the sidelining of the social and economic roots of this tragedy. In the 19th century, sexual issues were also considered responsible for many social ills, especially in France. Alcohol was also a target in France. Thus, it was blamed for the generational "deterioration" of the French stock. See Dowbiggin, "Degeneration and Hereditarianism in French Mental Medicine," *op. cit.*; and Jean-Charles Sournia, *A History of Alcoholism* (New York: Blackwell, 1990). Although there were also sexual concerns in the US, the relative import of alcohol and addiction issues was much greater. Furthermore, the American approach was considerably more successful in pinning most social ills on alcohol in the 19th century, and with less success on drugs a century later. In the 19th century, many Temperance advocates believed that crime, wife abuse, and delinquency in general would disappear if alcoholic beverages were outlawed. Lamarckian beliefs about hereditary alcoholism made it easier for large segments of the public to believe that even bad behavior not directly associated with drinking was probably due to inherited tendencies caused by drinking. In the early 20th century, many ills (including political activism among workers and blacks) were blamed on illicit drugs or alcohol. See Denise Herd, "The Paradox of Temperance," in Susanna Barrows and Robin Room, eds., *Drinking: Behavior and Belief in Modern History* (Berkeley: University of California Press, 1991), pp. 354-375. More recently, proponents of the war on drugs have successfully identified drugs as the main source of crime, poverty, and other misfortunes.

69. See Lyman Beecher, *Six Sermons on the Nature, Occasions, Signs, Evils, and Remedy of Intemperance* (Boston: Crocker & Brewster, 1827); and Benjamin Ward Richardson, *Temperance Lesson Handbook: a Series of Short Lessons on Alcohol and Its Action of the Body* (London: National Temperance Publication Depot, 1878).

70. Foucault, *The History of Sexuality*, *op. cit.*, p. 16.

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history of addiction.[71] Against the "traditional" radical view that concern with sexuality was related primarily to labor productivity, he points out that sexuality was problematized first among the upper classes, then the middle class, and only subsequently was such attention focused on the working class.[72]

In the US, a post-revolutionary libertarian ethic, combined with a wild frontier culture and the impact of a host of uncultured *nouveau riche* slave-owners and capitalists, led to forebodings among the upper classes concerning society and, above all, their status within it.[73] Initiated primarily by men of influence and status, Temperance was imposed first by the rich on the rich, and shortly thereafter, by the middle class on the middle class.[74] At first, the goal had much more to do with protecting those already sober than with reforming allegedly incorrigible drunkards, especially if those drunkards were among the masses.[75] Whether the need for disciplined workers was the prime motive for large-scale Temperance and Prohibition is unclear, although it definitely was not the original impetus.[76] Despite attempts by the moneyed classes to sober up a seemingly unruly working class, the many struggles of lower class Methodists for their own "sobriety" are well documented.[77] This also meant that the lower classes had a stake in having chronic drinking among them viewed as a disease,

71. The complexity of the issue is exemplified by Herd's observation that many mid-19th century slave-holders favored Temperance, because they considered alcohol to be the cause of rebellion among Southern blacks; yet, at the same time, many black leaders supported Temperance, since they saw alcohol as a pacifier and thus an obstacle to radical action among their people. See Herd, "The Paradox of Temperance," *op. cit.*

72. Foucault, *The History of Sexuality, op. cit.*, p. 122; see also pp. 120-127: "It seems that the deployment of sexuality was not established as a limitation of the pleasures of others by what have traditionally been called the 'ruling classes.' Rather, it appears to me that they first tried it on themselves."

73. See Rorabough, *The Alcoholic Republic*, *op. cit.* Often poorly educated yet very rich and with few cultural outlets, many Southern plantation owners spent much of their time drinking, brawling and chasing black women. Lyman Beecher, one of the first and most influential Temperance advocates, drew attention to the impact of intemperance on social hierarchy and, by implication, on the integrity of post-colonial institutions. He began by pushing sobriety on his own church members before targeting the misbehavior of the lower classes.

74. See Krout, *The Origins of Prohibition*, *op. cit.*; Thomas R. Pegram, *Battling Demon Rum: The Struggle for a Dry America, 1800-1933* (Chicago: Ivan R. Dee, 1998).

75. See Krout, *The Origins of Prohibition*, *op. cit.*; Rorabaugh, *The Alcoholic Republic*, *op. cit.* As Porter points out in a British context: "alcohol dependence as a disease was still largely applied to the elite (it was the *vice* of the poor)." See Roy Porter, "The Drinking Man's Disease: the 'Pre-History' of Alcoholism in Georgian Britain," in *British Journal of Addiction*, Vol. 80, No. 4 (1985), pp. 385-396. By the 19th century, "the ambiguous honor of its medicalization had spread through all ranks of society" (pp. 393-394).

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rather than a vice.[78] With respect to sexuality, Foucault claims that its appeal cannot be explained merely in negative terms: there was more to it than merely taking "sex" away from people by means of repression. More important was the constitution of identity.[79]

That eventually such developments would be applied to lower classes in order to subjugate them does not contradict the fact that, often, such impositions had at least some appeal for the "subjugated." Sobriety and "temperance" also need to be understood as positive virtues, not merely as suppressions of feelings and passions. First, there was the need for self-protection. Many in the middle and lower classes felt threatened by the effects of drunkenness on their own communities, and, above all, those closest to them.[80] In the late 18th and early 19th centuries, Americans probably consumed more alcohol per capita than ever before or since, and the growing popularity of hard liquor made things even worse. With fewer resources to lean on, the poor obviously had more to fear than the rich. Furthermore, as definitions of insanity, inebriety, and other forms of unacceptable states and behaviors were being broadened, there was much concerns with incarceration and other sanctions.

While many Temperance advocates were out to repress emotions in

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76. Foucault's interpretation of bourgeois attitudes pertaining to their sexuality and that of the lower classes follows a similar logic: "It was of little importance whether *those* people lived or died, since their reproduction was something that took care of itself in any case. Conflicts were necessary (in particular conflicts over urban space: cohabitation, proximity, contamination, epidemics . . . venereal diseases) in order for the proletariat to be granted a body and a sexuality." See Foucault, *The History of Sexuality, op. cit.*, p. 126.

77. See Robert L. Hampel, *Temperance and Prohibition in Massachusetts: 1813-1852* (Ann Arbor: Umi Research Press, 1982); and C. C. Pearson and J. Edwin Hendricks, *Liquor and Anti Liquor in Virginia: 1619-1919* (Durham: Duke University Press, 1967).

78. While madmen were often treated as sick and in need of help, rather than scorn, this tended to be the practice of professionals and concerned citizens. The struggles surrounding drunkenness were the first ones initiated to a large extent by the subjects themselves.

79. Foucault, *The History of Sexuality, op. cit.*, pp. 122-123: ". . . what was involved was not an asceticism, in any case not a renunciation of pleasure or a disqualification of the flesh, but on the contrary an intensification of the body, a problematization of health and its operational terms: it was a question of techniques for maximizing life. The primary concern was not repression of the classes to be exploited, but rather the body, vigor, longevity, progeniture . . . it has to be seen as the self-affirmation of one class rather than the enslavement of another: a defense, a protection, a strengthening."

80. In "The Discovery of Addiction," *op. cit.*, Levine argues that Temperance was primarily a "self-interested" activity. The desire to control others was only a secondary consideration. Krout points out that the first Temperance efforts remained local, until it became clear that they were futile. Activists began calling for state-wide, and eventually national, prohibition only after they realized that dry communities could be infested by liquor produced in nearby "wet" communities. See also Krout, *The Origins of Prohibition, op. cit.*

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general, there was an equally important counter-tendency: it was feared that a community's liveliest and jolliest members were in the greatest danger of becoming drunkards. These kind, trusting, even happy-go-lucky souls were hailed as wonderful and in need of protection from alcohol.[81] Similarly, throughout the English-speaking world, traditionalists were ridiculing the religious enthusiasm of certain Christian sects.[82] To the extent that it involved a clear loss of control over behavior, such enthusiasm often was derided as a sign of mental illness. Neither staid nor repressed, lower class and populist religious movements were made up of rowdy individuals (many would go into fits during intense religious experiences) and the movements would be threatened if such behavior were compounded by drunkenness.

While Foucault has been part of a larger historical revision of 20th century interpretations of 19th century developments as simply repressive, the 19th century Temperance Movement is still perceived in this way. Since many Temperance advocates fit this description — some were almost perfect models of Max Weber's ideal-typical ascetic Protestant — and since many advocated prohibitory legislation anathema to 20th century sensibilities, this oversimplification is understandable. But there was far more to Temperance than asceticism. It is unlikely that the movement would have been so successful without the support of religious enthusiasts, who often nurtured their vision at "revival camps" meant to bring about religious conversion.[83] The importance of staid, repressive attitudes within the Temperance Movement cannot be denied. But the impetus for prohibition, and the concern with drunkenness — and later with addiction in general — cannot be understood without an additional consideration. Freedom, autonomy, often understood as a measure of self-control, was desirable and was being

81. NTS, *op. cit.*, Tr. 89.

82. See Fiona Godlee, "Aspects of Non-conformity: Quakers and the Lunatic Fringe," in W. F. Bynum, Roy Porter, Michael Shepherd, eds., *The Anatomy of Madness: Essays in the History of Psychiatry*, Vol. II: *Institutions and Society* (London: Tavistock, 1985), pp. 73-85; Michael MacDonald, "Insanity and the Realities of History in Early Modern England," in R. M. Murray, and T. H. Turner, eds., *Lectures on the History of Psychiatry: The Squibb Series* (London: Alden Press, 1990), pp. 60-81.

83. Other extra-curricular activities around these camps also contributed to their popularity. Some may think a camp-meeting was no place for love-making. "If so they are very much mistaken. When the mind becomes bewildered and confused, the moral restraints give way and the passions are quickened and less controllable. For a mile or more around a camp-ground the woods seem alive with people; every tree or bush has its group or couple, while hundreds of others in pairs are seen prowling around in search of some cozy spot." See Robert M. Coates, *The Outlaw Years: The History of the Land Pirates of the Nachez Trace* (New York: The Macaulay Company, 1930), p. 223.

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(in Foucault's language) "cultivated." According to Foucault, sex is not what "the bourgeoisie was forced to disqualify in order to" force "those whom it dominated to work" but a facet of the self which "preoccupied it more than any other, begged and obtained its attention, and which it cultivated with a mixture of fear, curiosity, delight, and excitement."[84]

Freedom "troubled and preoccupied" the bourgeoisie just as much as sex. The American experience of both "fear" and "delight" concerning issues pertaining to personal freedom is characterized by a preoccupation with substance abuse, addiction, and a host of newer "afflictions." Thus, whether one believes that co-dependency targets legitimate issues, the idea was formulated in terms of addiction — involving themes such as lack of control, disease progression, and denial — by an American mindset concerned with avoiding the unfreedom of "addiction." The journey out of such "conditions" is a often positive experience, as struggles for autonomy and self-reliance are cultivated and hailed as great and courageous achievements. This was already true in the 19th century, when the inebriate's struggle for sobriety was first being explained to the public.[85]

Conclusion

Foucault has described the structure of the concept of sexuality — something helpful for understanding his relevance to the concept of addiction. He identified the psychoanalytic unconscious as the paradigmatic human-scientific object, because of the essential mystery it targets.[86] On Foucault's own terms, addiction — something akin to a pure mystery, with an even less identifiable structure than the unconscious — can be seen as an even better paradigm. In discussing free will, and, by implication, the unfree and diseased will, Valverde has emphasized the importance of diseased wills over the last one hundred and fifty years. She also points to how these considerations run more deeply than intellectual and professional discourse, as evidenced by the growing popular concern with issues related to free will since the 1970s.[87] Rose's discussion of psychology's

84. Foucault, *The History of Sexuality, op. cit.*, pp. 123-124.

85. See Woodward, *Essays on Asylums for Inebriates*, *op. cit.* According to Foucault, France is "a society 'with a sexuality'," and this predicament is unique to modernity. See Foucault, *The History of Sexuality, op. cit.*, p. 147. But America, even more so,is a society where "autonomy," a concept of inner-driven freedom, requires care, self-help, therapy, the prohibition of alcohol, as well as recurring "wars" against drugs.

86. Foucault, *The Order of Things*, *op. cit.*, p. 374.

87. In fact, contemporary philosophers generally ignore questions about the will. See Valverde, *Diseases of the Will*, *op. cit.*, p. 3.

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role describes the way Western societies govern individuals *through their freedom,* rather than by blatant subjugation. He even traces a scenario that helps to explain the apparent contradiction between liberal ideals and drug and alcohol prohibition: modern subjects are not simply freed from external restraints, they are "*obligated* to be free."[88] It then follows that behaviors thought to deprive people of their "freedom" should be forbidden. In the US especially, the tensions raised by drugs and addiction are acute. Possibly unique among industrialized nations in its long standing commitment to decentralization and local self-determination, the current war against drugs has entailed such a centralization of power that critics of the drug war regularly appeal to traditional American values.[89]

While nothing in this discussion should be interpreted as an attempt to deny the harm substance addictions can cause both to individuals and society, addiction's ability to function as a scapegoat for many – sometimes all – of society's problems is not a recent development. For two hundred years, substance abuse has played a unique role in the US. Even though "addiction" is only a few centuries old, chronic drunkenness and the struggles with temptation are certainly not new. In fact, as strictly empirical phenomenon, neither alcohol nor opium habituation could be pinned on modernity or even Europe. The only things for which one can take credit, or blame, are one's interpretations and how one acts on these interpretations. The previous discussion has not being about alcoholism, opium addiction or any other addiction per se — it is about the *concept of addiction* and the effects this concept has wielded.

The centrality of "addiction" is also a result of the concept's ability to strip away all marginal details, and to home in on freedom in a never-ending search to sniff out any scenario where "freedom" has been compromised. The abstract, absolutist character of free will and its opposite, addiction, do not prevent these concepts from wielding their effects.[90] Had Foucault lived in the US, where the ideal of freedom is held so high, it is likely that he would sooner or later have turned his sights on addiction and related matters. This is not to suggest that Americans are more "free" than Europeans, or to deny the significance of freedom-related movements throughout Europe. The concern here is with a strictly bourgeois

88. Rose, *Inventing Our Selves, op. cit.*, p. 78. At the dawn of modernity, Rousseau predicted that some citizens would be "forced to be free."

89. Peele, *Diseasing of America, op. cit.;* Schaler, *Addiction is a Choice, op. cit.*

90. Sedgwick characterizes the grassroots dimension of this phenomenon as a "micromanagement of absolutes." See Sedgwick, "Epidemics of the Will," *op. cit.*, p. 134.

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concept of freedom, its ability to reach mainstream citizenry, and the time and energy that has been spent discussing as well as asserting it.[91] Accordingly, Th US has taken great offence at the existence of "unfree" addicts. If one views the US as the quintessential "modern nation" and if the concept of addiction represents a quintessentially modern approach to the human soul, then it should not be surprising that addiction has received so much attention in the US.

The US can be perceived as something like the spearhead of modernity, but in some ways it is a throwback. A simplistic disease model dominates American approaches to addiction, compared with many West European countries more inclined to implement newer treatment approaches and harm-reduction alternatives. The rift would be even greater if the US were not actively exporting its methods and ideas. With a culture in many ways born in the 18th century, the US is in many ways still stuck in it, "addicted" to ways of thinking and acting which can carry both intellectual and political connotations. This is not to suggest that the newer is necessarilly better. The prevailing concept of addiction can be viewed not only as a 19th century approach to 21st century dilemmas, but more importantly as a window into American attitudes.

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91. In his first book on sexuality, Foucault discusses modern power as designed to "incite, reinforce, control, monitor, optimize, and organize the forces under it: a power bent on generating forces, making them grow, and ordering them, rather than one dedicated to impeding them, making them submit, or destroying them." See Foucault, *The History of Sexuality, op. cit.*, p. 136. Here, Heidegger may have influenced Foucault. See Martin Heidegger, *The Question Concerning Technology and Other Essays* (New York: Harper & Row, 1977), pp. 3-35. This is consistent with the ideology of liberation, which is well exemplified by the struggle against addiction.

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